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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

STATE OF INDIANA,

DURING THE

FORTY-FIRST REGULAR SESSION

OF THE

GENERAL ASSEMBLY,

COMMENCING THURSDAY, JANUARY 10, 1861.

INDIANAPOLIS:

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

During the Forty-First regular Session of the General Assembly of the State of Indiana, begun and held at the Capital, in the City of Indianapolis, on Thursday, the 10th day of January, in the year of our Lord, one thousand eight hundred and sixty-one, being the day fixed by law for the meeting of the same.

The House of Representatives being called to order by Richard J. Ryan, Principal Clerk of the last House of Representatives, the following members appeared, produced their credentials, and were sworn into office by the Hon. Samuel E. Perkins, one of the Judges of the Supreme Court of the State of Indiana, and took their seats, viz :

From the county of Adams—Philomen N. Collins.

From the county of Allen—Moses Jenkinson and Conrad Trier.

From the county of Bartholomew—Francis P. Smith.

From the county of Boone—Nelson Fordyce.

From the counties of Boone and Hendricks—Thomas J. Cason.

From the county of Brown—Lewis Prosser.

From the county of Carroll—Thomas Thompson.

From the county of Cass—Charles B. Knowlton.

From the county of Clark—Thomas J. Howard.

From the county of Clinton—Leonard McClurg.

From the county of Clay—Elias Coopridger.

From the county of Crawford—Wilshier W. Sloan.

From the county of Daviess—Matthew S. Brett.

From the county of Dearborn—Omar F. Roberts and Charles Lods.

From the county of Decatur—Ira G. Grover.

From the county of Delaware—James Orr.

From the county of DeKalb—

From the county of Dubois—

From the county of Elkhart—Noah Anderson.

- From the counties of Elkhart and LaGrange—Robert Parrett.*
From the counties of Fayette and Union—Richard M. Haworth.
From the county of Fountain—James F. Fraley.
From the county of Floyd—John H. Stotsenburg.
From the county of Fulton—
From the county of Gibson—Silas M. Holcomb.
From the county of Grant—William Hall.
From the county of Greene—William G. Moss.
From the county of Harrison—Walter Q. Gresham.
From the county of Hancock—Noble Warrum.
From the counties of Hancock and Shelby—George Y. Atkison.
From the counties of Hamilton and Tipton—Joseph Goar.
From the county of Henry—Martin L. Bundy.
From the county of Hendricks—James Burgess.
From the county of Howard—Daniel D. Lightner.
From the counties of Huntington and Whitley—
From the county of Jackson—John L. Ford.
From the counties of Jasper and Pulaski—Gideon C. Moody.
From the county of Jennings—Lucius Bingham.
From the county of Jefferson—David C. Branham and J. Craig Wilson.
From the county of Johnson—John A. Polk.
From the county of Jay—Isaac Underwood.
From the counties of Johnson and Morgan—John Stephenson.
From the county of Kosciusko—Thomas S. Boydston.
From the counties of Kosciusko and Wabash—George W. Frasier.
From the county of Knox—Cyrus M. Allen.
From the county of LaGrange—Samuel Hudson.
From the county of Lake—Bartlett Woods.
From the county of Laporte—Mason G. Sherman and Samuel Harvey.
From the county of Lawrence—
From the county of Madison—John Hayes.
From the county of Marion—James H. Turner and William H. Kendrick.
From the counties of Marshall, and Starke—Marcus A. O. Packard.
From the county of Monroe—Joseph Campbell.
From the county of Montgomery—Richard Epperson.
From the county of Morgan—John W. Ferguson.
From the county of Noble—Joshua R. Randall.
From the counties of Ohio and Switzerland—Hugh T. Williams.
From the county of Orange—Asa M. Black.
From the county of Parke—John G. Crain.
From the county of Pike—Andrew J. Wells.
From the county of Perry—Magnus Brucker.
From the county of Porter—Robert A. Cameron.
From the county of Posey—William C. Pitts.
From the county of Putnam—Reuben S. Ragan.
From the county of Randolph—John A. Moorman.

From the county of Rush—George Thomas.
From the county of Scott—Samuel Davis.
From the county of Spencer—James C. Veatch.
From the county of Sullivan—William W. Owens.
From the county of Shelby—Jacob Mutz.
From the county of Steuben—Joseph A. Woodhull.
From the county of St. Joseph—John A. Henricks.
From the county of Tippecanoe—William H. Bryan and —.
From the counties of Vanderburgh and Posey—Joseph P. Edson.
From the county of Vanderburgh—John S. Hopkins.
From the county of Vermillion—David Milton Jones.
From the county of Vigo—William E. McLean and Nathaniel Lee.
From the county of Wabash—Stearns Fisher.
From the county of Warren—Richard M. Nebeker.
From the county of Washington—Christian Prow.
From the counties of Washington and Harrison—Horace Heffren.
From the county of Wayne—Edmund Burke Newman, Oliver T. Jones and Israel Woodruff.
From the counties of Wells and Blackford—Theodore Horton.
From the counties of White and Benton—Anson Hurd.

On motion by Mr. Bundy,

The House proceeded to the election of Speaker, by a *viva voce* vote.

Those who voted for Cyrus M. Allen, a Representative from the county of Knox, were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins, Crain, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frazier, Gore, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones, of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff and Woods—59.

Those who voted for Horace Heffren, a Representative from the counties of Washington and Harrison, were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Edson, Fleming, Ford, Gifford, Hayes, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins,

Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—36.

Cyrus M. Allen, having received a majority of all the votes cast, was declared by the Clerk, duly elected Speaker of the House of Representatives for and during the present session, and was conducted to the Chair by Messrs. Bundy and Heffren.

Whereupon the Speaker returned his thanks as follows:

“Gentlemen of the House of Representatives:

Allow me to return to you my sincere thanks for the honor you have conferred upon me in my selection to preside over your deliberations during the present session of the General Assembly. Deeply, I may say painfully, impressed with the importance of the position to which you in your partiality have elevated me, and with my inability to promptly and satisfactorily discharge its duties, I, nevertheless, trusting to the kindness of your hearts, and asking you all to extend to me the assistance necessary for the preservation of order and dispatch of business, enter upon the station with a determination, to the utmost of my ability, to discharge the duties faithfully, efficiently, and impartially, discarding all party bias, and with an eye single to the dispatch of business and the rights of every member of this House. Again thanking you for the honor you have conferred upon me, let me recommend that we proceed at once with the business for which we have assembled.”

On motion by Mr. Sherman,

The House proceeded to the election of Principal Clerk.

Those who voted for Jonathan W. Gordon were,

Messrs. Allen, Anderson, Bingham, Boydston, Branham, Brucker, Bryan Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebaker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff and Woods—60.

Those who voted for Napoleon B. Risinger were,

Messrs. Atkison, Black, Brett, Collins of Adams, Combs, Coopri-

der, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—37.

Jonathan W. Gordon, having received a majority of all the votes cast, was declared duly elected Principal Clerk of the House of Representatives for and during the present term, was sworn into office by the Speaker and entered upon the discharge of his duties.

On motion by Mr. Orr,

The House proceeded to the election of Assistant Clerk.

Those who voted for Azel P. Newkirk were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods, and Mr. Speaker—59.

Those who voted for Mr. Fleming were,

Messrs. Atkison, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Knowlton, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—35.

Azel P. Newkirk having received a majority of all the votes cast, was declared duly elected Assistant Clerk for and during the present term, was sworn into office by the Speaker of the House, and entered upon the discharge of his duties.

On motion,

The House proceeded to the election of Doorkeeper.

Those who voted for James T. Johnston were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Epperson, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—59.

Those who voted for William H. Taggart were,

Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—37.

James T. Johnston, having received a majority of all the votes cast, was declared duly elected doorkeeper of the House of Representatives, for and during the present term, was sworn into office by the Speaker, and entered upon the discharge of his duties.

On motion by Mr. Bundy,

Resolved, That the Senate be informed that the House of Representatives have convened, formed a quorum and organized by the election of the Hon. Cyrus M. Allen, Representative from the county of Knox, as Speaker; Jonathan W. Gordon, of Marion county, Principal Clerk; Azel P. Newkirk, Assistant Clerk, and James T. Johnston, Doorkeeper, and that they are now ready to proceed to business.

On motion by Mr. Nebeker,

Resolved, That a committee of two be appointed to act with a similar committee on the part of the Senate, to wait upon some minister of the gospel of this city, and request him to open the present session of this General Assembly with prayer, at half past nine o'clock to-morrow morning, and that the Clerk inform the Senate of the adoption of this resolution.

Messrs. Nebeker and Orr were appointed said Committee.

Mr. Nebeker offered the following resolution:

Resolved, That a committee of three be appointed to act with a like committee on the part of the Senate, to wait upon His Excellency the Governor, and ascertain of him when it would be convenient for him to deliver his message to the General Assembly.

Messrs. Nebeker and Orr were appointed said Committee.

On motion by Mr. Prosser,

Resolved, That the Doorkeeper be instructed to procure one copy of the revised Statutes of 1852, one copy of the acts of 1859, and one copy of the House Journal of 1859, and place the same on each member's desk in this House.

On motion by Mr. Heffren,

Resolved, That the rules of Jefferson's Manual be adopted for the government of this House until otherwise ordered.

Mr. Branham asked and obtained leave to introduce

House bill No. 1. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Which was read a first time, and passed to a second reading.

Mr. Heffren offered the following resolution:

Resolved, That the members of this House will support no person for any office elective by the General Assembly, who is not in favor of the preservation of the Federal Union, at any sacrifice of partisan theories or beliefs, upon a compromise of the slavery question which will secure the rights of each and every State; and that without reference to party antecedents, we recognize the proposition known as the Crittenden amendments, as presenting such a basis of settlement.

Mr. Bundy moved to refer said resolution to a Select Committee of thirteen.

Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee Lightner, Moorman, Moody, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Atkison, Black, Brett, Collins of Adams, Combs, Coopri-der, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Trier and Warrum—36.

So the resolution was referred.

Mr. Branham moved that when the House adjourn it stands adjourned till to-morrow morning at 9 o'clock.

Agreed to.

On motion by Mr. Jones, of Vermillion,

Resolved, That a committee of three be appointed to superintend the stationery department of this House, and take such measures as may be necessary and proper to prevent the waste and misappropriation of stationery by any member, officer of this House, or by any other person; and that they report the measures thus taken at as early a day as may be convenient.

Messrs. Jones, of Vermillion, Burgess and Brett were appointed said committee.

Mr. Stotsenburg offered the following House joint resolution No. 1:

WHEREAS, On account of alledged wrongs and irregularities suffered within the Union of the several States composing the United States of America, the citizens of South Carolina, in convention assembled, have assumed the power to dissolve the connection existing between said State and the Union, and there is reasonable ground

to apprehend that citizens of other States for the same cause may shortly take the same steps; and whereas, all power is inherent in the people, and all wrongs and injustice can be righted in the Union, by the proper use of remedies provided by the Constitution: and whereas, it is the belief of the people of Indiana that the settlement of these grave questions should be removed from the Halls of Congress, and the various avenues of partizan strife, and submitted in a constitutional manner to the people of the whole Union; therefore,

Resolved, By the General Assembly of the State of Indiana, that in conformity with Article five of the Constitution of the United States, this General Assembly does hereby apply to the Congress of the United States to call a convention of delegates to be chosen by the people of the different States for the purpose of considering and proposing amendments to the Constitution of the United States, and hearing the alleged grievances of the several States.

Resolved, That the Legislatures of the several States are invited and urged to co-operate with us in this application for a convention, and the Governors of those States whose Legislatures are not now in session are urged to convene them immediately for this purpose.

Resolved, That Indiana now as ever, conservative and loyal, desires the maintenance of the Union in vigor, and the Constitution in its purity; that she deprecates either Northern or Southern resistance to the laws; and while she is willing to make all reasonable concessions, and to lend her aid to the redress of all grievances, will stand by the flag of our common country as the only hope of civil and religious freedom.

Resolved, That the Governor be requested to transmit to each of our Senators and Representatives in Congress a copy of the foregoing resolutions for presentation to Congress, and also a copy to the Governor of each State of the Union, with a request to lay the same before their respective Legislatures.

On motion by Mr. Stotsenburg,

The foregoing resolutions were referred to a select committee of thirteen.

A message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate, in compliance with the request of the House, has appointed a com-

mittee on the part of the House to wait on his Excellency the Governor and learn when it would be convenient for him to deliver his message to the General Assembly.

And that Senators Conley, Slack and Ray have been appointed said committee on the part of the Senate.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to announce to the House that the Senate has adopted the following resolution, to-wit :

Resolved, That the Secretary be instructed to inform the House that the Senate has organized by the election of Hon. John R. Cravens, of Jefferson, President ; James N. Tyner, of Miami, Principal Secretary ; Francis P. Griffith, of Lagrange, Assistant Secretary ; Samuel G. Thompson, of Wabash, Principal Doorkeeper ; and Richard H. Litson, of Jefferson, Assistant Doorkeeper ; and that the Senate is ready to proceed to legislative business.

J. F. Jones of Tippecanoe county, Allen T. Flemming of Dubois county, and Henry Feagler of DeKalb county appeared, presented their credentials and wens sworn into office by the Speaker.

Mr. Branham moved that a committee of three be appointed to revise the rules of the House,

Which was agreed to.

Messrs. Branham, Heffren and Veatch were appointed said committee.

On motion by Mr. Branham,

The House adjourned until to-morrow morning at half past nine o'clock.

FRIDAY MORNING, 9 o'clock, }
January 11, 1861. }

The House met pursuant to adjournment.

The Journal was read and approved.

Mr. Orr moved to reconsider the vote adopting the joint resolution, taken on yesterday, to invite some minister of the Gospel to open the daily sessions with prayer,

Which was agreed to.

John T. Dashiell, a Representative from the county of Ripley, appeared, presented his credentials, was sworn into office by the Speaker, and took his seat.

On motion by Mr. Heffren,

Resolved, That the Senate be invited to the Hall of the House at 2 o'clock P. M. for the purpose of opening the General Assembly with prayer, in pursuance of a resolution of this House.

Mr. Branham, from the select committee, to whom was referred the revision of the Standing Rules, made the following report:

MR. SPEAKER:

The select committee on Standing Rules for the government of the House during the present session of the General Assembly respectfully report, that they have agreed upon the following system of rules, which they respectfully submit to the House for its adoption:

SECTION 1.

RULES THAT RELATE TO MEMBERS.

1. Seven members, with the Speaker, or eight members in his absence, having chosen a Speaker *pro tem.*, may call the House, compel the attendance of absent members, make an order for their fine and censure, and adjourn.

2. No member shall absent himself from the service of the House unless he have leave, or be sick and unable to attend.

3. If any member, in speaking, or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed.

If otherwise, and the case requires it, he shall be liable to the censure of the House.

4. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any other member has spoken, or other business has intervened after the words, and before exception to them shall have been taken.

5. When any member desires to speak or deliver any matter to the House, he shall rise from his seat, respectfully address himself to Mr. Speaker, confine himself to the question and avoid personality; and no member shall impeach the motives of any other member's vote or argument.

6. When two or more members happen to rise at once, the Speaker shall name who is first to speak.

7. While the Speaker is putting the question or addressing the House, no member shall walk across or out of the House; nor when a member is speaking shall any entertain private discourse or pass between him and the chair.

8. Every member who shall be in the House when the question is put, shall give his vote, unless the House shall, for special reasons, excuse him. And should any member present, not excused from voting, refuse to vote when his name is called, the Speaker shall direct the Clerk to make an entry on the Journal that said member was present and called to vote on the question, but refused to vote. All motions to excuse a member from voting shall be made before the House divides, or before the call of the ayes and noes is commenced; and any member requesting to be excused from voting may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

9. No member shall speak more than twice to the same question without the leave of the House, nor more than once until every member choosing to speak shall have spoken.

10. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken twice on the preceding day, shall be permitted to speak again without leave.

11. No member shall vote on any question when he was not within the bar of the House when called upon to vote. And when any member shall ask leave to vote, the Speaker shall propound to him

the question, "Were you within the bar when your name was called."

12. After a question shall have been decided, no member who was not in the House when such question was put, shall, except by unanimous consent of the House, be permitted to record his vote.

13. Upon a division and count of the House on any question, no member without the bar shall be counted.

SECTION 2.

RULES THAT RELATE TO THE SPEAKER.

1. The Speaker shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day. He shall immediately call the members to order, and on the appearance of a quorum shall cause the journal of the preceding day to be read.

2. The Speaker shall have a general direction of the Representatives Hall. He may name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment. He shall have the right to name any member to bear messages to the Senate, and to appoint all committees, subject to additional members to be added upon motion.

3. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order subject to an appeal to the House by any two members, on which appeal no member shall speak more than once, unless by leave of the House.

4. The Speaker shall rise to put a question, but may state it sitting.

5. Questions shall be distinctly put in this form, to-wit: "as many as are of the opinion that (as the question may be,) say aye," and after the affirmative voice is expressed—"as many as are of the contrary opinion, say no." If the speaker doubt, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

6. In case of any disturbance or disorderly conduct, in the galleries or lobby, the Speaker (or chairman of the committee of the whole House) may order the same cleared.

7. The Speaker shall vote in all elections; and when the ayes and noes are called for, he shall vote, his name being called last, and in

case of an equal division, the question shall be lost; and upon all other questions when the House is equally divided, he shall give the casting vote; or when his vote would make an equal division, he shall vote upon the call of any member; and in case of such equal division, the question shall be lost.

SECTION 3.

STANDING COMMITTEES.

1. Twenty-two Standing Committees, to consist of seven members each, shall be appointed at the commencement of each session, viz: A committee on Elections; a committee on Ways and Means, a committee on the Judiciary, a committee on Federal Relations, a committee on Education, a committee on Banks, a committee on Military Affairs, a committee on the affairs of the State Prisons, a committee on the affairs of the Town of Indianapolis, a committee on Claims, a committee on Roads, a committee on Canals and Internal Improvements, a committee on Agriculture, a committee on Corporations, a committee on Enrolled Bills, a committee on Engrossed Bills, a committee on Public Expenditures, a committee on Benevolent and Scientific Institutions, a committee on Manufactures and Commerce, a committee on the Rights and Privileges of the Inhabitants of the State, a committee on the Organization of Courts of Justice, a committee on Swamp Lands, a committee on Temperance, a committee on County and Township Business.

2. It shall be the duty of the several Standing Committees to examine into and report upon all matters that may be referred to them.

3. No Committee shall sit during the sitting of the House, without special leave, and all writs, warrants and subpoenas, issued by order of the House, shall be under the hand and seal of the Speaker, attested by the Clerk.

4. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws, and also to report from time to time, such provisions and arrangements as may be necessary, to add to the economy of the departments, and the accountability of their officers.

5. It shall be in order for the committee on enrolled bills to report, at any time, when no question is before the House. The committee can report without notice to the House, by handing their report to the Principal Clerk.

SECTION 4.

OF MOTIONS.

1. Every motion shall be reduced to writing, if the Speaker or any member desire it.
2. When a motion is made and seconded, it shall be stated by the Speaker; or being in writing, it shall be handed to the chair and read aloud before debated.
3. After a motion is stated by the Speaker and read, it shall be deemed to be in possession of the House, but may be withdrawn at any time before decision or amendment.
4. When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for a reconsideration thereof.
5. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.
6. Motions and reports may be committed at the pleasure of the House.
7. When a question is under debate no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone indefinitely, to postpone to a day certain, to commit or amend: which several motions shall have precedence in the order in which they stand arranged; and no motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same state of the bill or proposition.
8. A motion to adjourn shall always be in order. A motion to adjourn to the usual hour of meeting, a motion to lay on the table, and a motion relating to the priority of business, shall be decided without debate.
9. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.
10. When the reading of a paper is called for, if any objection be made, it shall be decided by a vote of the House.

11. The unfinished business in which the House was engaged at the last preceding adjournment shall have preference in the orders of the day, and no motion or any other business shall be received without special leave of the House until the former is disposed of.

SECTION 5.

OF THE PREVIOUS QUESTION.

1. The previous question shall be put in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and until it is decided, shall preclude all amendment and further debate of the main question. On a motion for the previous question, and prior to the secondary of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to the decision of the main question. The effect of the previous question shall be to bring the House to a vote first on the pending amendments and then on the main proposition.

2. On the previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

SECTION 6.

INDEFINITE POSTPONEMENT.

1. When a question is postponed indefinitely, the same shall not be acted upon during the session.

SECTION 7.

COMMITTEE OF THE WHOLE.

1. In forming a committee of the whole House the Speaker, leaving the chair, shall appoint a chairman to preside.

2. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rules limiting the time of speaking; but no member shall speak twice to any question until every member choosing to speak shall have spoken.

3. Upon bills committed to a committee of the whole House, the bills shall be read and debated by clauses, leaving the title and pre-

amended, if any, to be last considered. The body of the bill shall not be defaced or interlined, but all amendments denoting the page and line shall be duly entered by the Clerk on a separate paper and so reported to the House; after report the bills shall again be subject to be debated and amended by clauses before a question to engross it be taken.

4. All questions, whether in committee or in the House, shall be propounded in the order in which they are moved, except that in filling up blanks, the largest sum and the longest time shall be first put.

5. No bill providing for a tax or charge upon the people shall be discussed the day on which it is made or offered; and every such bill shall receive its first discussion in the committee of the whole House.

SECTION 8.

BILLS.

1. Every bill shall be introduced by motion for leave, or by order of the House.

2. The first reading of a bill shall be for information, and if opposition be made to it the question shall be, "Shall this bill be rejected?" If no opposition be made, or the question to reject be negatived, the bill shall go for its second reading without a question.

3. A bill on its second reading may be committed either to a standing or select committee, or to the committee of the whole House for a day certain; or it may be amended or engrossed for a third reading. A motion to refer to a standing committee shall take precedence of a motion to refer to a select committee.

4. After commitment and report thereof to the House, or at any time before its passage, a bill may be recommitted.

5. No amendment by way of rider shall be received to a bill on its third reading.

6. All bills ordered to be engrossed shall be engrossed in a fair legible hand.

7. When a bill shall pass it shall be certified by the Clerk, noting the day of its passage.

SECTION 9.

PETITIONS, MEMORIALS AND OTHER PAPERS.

1. Petitions, memorials and other papers addressed to the House may be presented by the Speaker, or by any member, and shall be disposed of as the House may direct. Any member having any petition, memorial, remonstrance, resolution, bill, or other matter of which he was the mover or introducer, shall have the right to meet with and act as a member of said committee during the time said committee may have such subject under consideration.

SECTION 10.

DIVISION OF THE QUESTION AND ITS INCIDENTS.

1. Any member may call for the division of a question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

SECTION 11.

THE CLERK SHALL KEEP A JOURNAL OF DECISIONS.

1. The Clerk shall keep a journal of the decisions of the chair, to be inserted at the close of the Journal of the House.

SECTION 12.

DOORKEEPER.

1. It shall be the duty of the Doorkeeper to attend to the House during its sittings, announce all messages, keep the hall and committee rooms in perfect order, execute all process issued by authority of the House and directed to him by the Speaker, and in all things to execute the command of the Speaker and of the House.

SECTION 13.

SMOKING.

1. No person shall be allowed to smoke within the halls or the lobbies thereof.

SECTION 14.

AMENDMENT OF RULES.

1. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor. Nor shall any rule be suspended except by a vote of at least two-thirds of the members present.

SECTION 15.

JOINT CONVENTIONS.

In all joint meetings of the two Houses of the General Assembly, convened for a specific purpose, it shall be incompetent for the House or its members to engage in the transaction of any business other than that for which they were so specifically assembled.

On motion,

The report was laid on the table and 200 copies ordered to be printed.

On motion by Mr. Heffren,

Resolved, That the Doorkeeper of this House be directed to prepare a suitable place in the rear of the Speaker's chair for the deposit of the overcoats and hats of the members, and that the preparation of the same be under the direction of the Speaker.

On motion by Mr. Gresham,

Resolved, That a select committee of five be appointed to inquire into the expediency of abolishing the office of the State Printer, and letting out the State printing on contract to the lowest responsible bidder, and that said committee report to the House, at an early day, by bill or otherwise.

Mr. Heffren moved to amend by adding, also all stationery and binding of any and all journals and laws, and other printing necessary to be done by the State,

Which was accepted by the mover.

On motion by Mr. Bundy,

Resolved, That the Doorkeeper act as Sergeant-at-Arms of this House, without any additional per diem.

Mr. Bryan offered the following resolution :

Resolved, That the Speaker be authorized and requested to appoint three boys to act as Pages to this House during the present session.

Mr. Prosser moved to amend by inserting "two Pages" instead of three.

Mr. Smith, of Bartholomew, moved to amend by inserting at "two dollars per day."

The question being on the adoption of the amendment offered by Mr. Prosser,
It was not agreed to.

Mr. Nebeker moved to amend as follows :

That the Speaker appoint three Pages with an understanding that they be allowed two dollars each per day.

Mr. Gresham moved to lay the amendments on the table.
Which was agreed to.

The question being on the adoption of the resolution offered by Mr. Bryan,

Messrs. Smith of Bartholomew, and Nebeker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkison, Bingham, Boydston, Branham, Brett, Brucker, Burgess, Cameron, Cason, Combs, Coopridger, Crain, Dashiel, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones, of Tippecanoe, Jones, of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Ragan, Randall, Roberts, Sherman, Sloan, Smith, of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff and Woods—80.

Those who voted in the negative were,

Messrs. Anderson, Black, Bryan, Bundy, Campbell, Collins of Adams, Fleming, Gifford, Heffren, Holcomb, Horton, Kendrick, McClurg, Proser, Prow, Robbins, Trier and Mr. Speaker—18.

So the resolution was adopted.

Mr. Jenkinson offered the following resolution:

WHEREAS, It is currently reported and generally believed by the citizens of the State of Indiana that the interest of the State of Indiana has been sacrificed in the location of the Northern State Prison at Michigan city, and both the location and contract for the construction of said Prison was procured by unfair and corrupt means, and by complicity of at least a part of the officers of the State; therefore it is

Resolved, That a committee of seven members of this House be appointed by the Speaker with full power to send for persons and papers and to make a thorough investigation of the same, and report to this House what legislation will be necessary, if any, to correct the evils of said location of said Prison and letting of said contract.

Mr. Cameron moved to amend so as to strike out all matters relating to inquiring into the eligibility of the location.

Mr. Boydston moved to lay the resolution and amendment on the table.

Mr. Heffren called for a division of the question.

The question being on the motion to lay the amendment on the table,

Messrs. Jenkinson and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Adams, Combs, Cooprider, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tip-

pecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moorman, Moss, Mutz, Newman, Owens, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. Cameron, Edson, Lane, Moody, Packard, Sherman, Smith of Bartholomew—7.

So the amendment was laid on the table.

Mr. Stotsenburg offered to amend as follows :

To strike out all after the word Resolved, and insert the following : That a committee of five members be appointed by the Speaker whose duty it shall be to send for persons and papers and make an investigation of all matters connected with the location and contract for the construction of the Northern State Prison, and report to the House all facts connected therewith, and what legislation, if any, is necessary to correct any evils or frauds in the location of said prison, and the contracting for the building of the same, if any have been committed.

Which was accepted by Mr. Jenkinson as part of the original resolution.

The question recurring on the motion to lay the resolution on the table,

It was not agreed to.

The question being on the adoption of the resolution,

It was agreed to.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has accepted the invitation of the House to meet in the Hall of the House of Representatives at 2 o'clock P. M. to-day, for the purpose of opening the General Assembly by prayer.

“Resolved, That a committee on the part of the Senate, to act with

a similar committee on the part of the House, be appointed to provide some clergyman of this city to attend the joint meeting of the two Houses to-day at 2 o'clock P. M., to open the proceedings of the Legislature with prayer."

And that Senators Murray, Turner and Hamilton are appointed said committee on the part of the Senate.

In which the concurrence of the House is respectfully requested.

On motion,

The resolution was concurred in, and Messrs. Nebeker, Orr and Brett were appointed said committee, on the part of the House.

Mr. Nebeker, from a Joint Select Committee, made the following report:

MR. SPEAKER:

The committee of the House appointed to act with a committee of the Senate, to wait upon His Excellency the Governor, to enquire when it would be convenient for him to deliver his message to the General Assembly, have performed that duty and learned that it is the pleasure of His Excellency to deliver the same to-day at two o'clock P. M.

Mr. Veatch offered the following resolution:

Resolved, That all motions and resolutions in relation to the present excited state of our country, and all motions and resolutions proposing remedies therefor, be referred to the Select Committee of thirteen without debate, and that said Committee be instructed to report at as early a day as practicable.

Mr. Heffren moved to lay the resolution on the table.

Messrs. Heffren and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkison, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Edson, Fleming, Ford, Gifford, Hall, Hayes, Heffren,
Holcomb, Horton, Howard, Jenkinson, Jones of Tippecanoe, Kitchen,
Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard,
Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew,
Stevenson, Stotsenburg, Trier and Warrum—39.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—58.

So the resolution was not laid on the table.

Mr. Stotsenburg moved to amend the resolution by striking out the words "without debate."

The question being on the amendment,

Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Mr. Atkison, Black, Brett, Collins of Adams, Combs, Coopridier, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Jones of Tippecanoe, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—37.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—61.

So the motion did not prevail.

The question being on the adoption of the resolution,
It was agreed to.

On motion by Mr. Bundy,

Resolved, That the committee on stationery be authorized to procure a desk and high seat for the use of the Clerk of this House.

Mr. Orr, from a Select Committee, made the following report :

MR. SPEAKER :

The committee appointed by this House to act with a similar committee from the Senate, to wait upon some minister of the gospel and request him to open the General Assembly with prayer, have performed that duty, and are authorized to inform the House that the Rev. Gilbert Small will attend and perform the same.

Mr. Holcomb asked and obtained leave to introduce a memorial of the Trustees of the town of Princeton, in reference to the Seminary in the town of Princeton,

Which,

On motion,

Was referred to a committee consisting of Messrs. Holcomb, Wells and Hopkins.

Mr. Williams asked and obtained leave to introduce

House bill No. 2. A bill declaring it to be a felony to open gates, or let down fences, or destroy cattle guards along the line of railroads, and providing the penalty therefor.

Which was read a first time, and passed to a second reading.

Mr. Jones, of Vermillion, from the committee on stationery, made the following report :

MR. SPEAKER :

The committee on stationery have directed me to make report that they have made ample arrangements for the supplying of each member with all the necessary articles included under the head of stationery.

1st. They have selected James A. Bell, of Vermillion county, Clerk, and put him in charge of the stationery room, and require him to purchase all of his paper, ink, pens and envelopes, subject to their direction and order, and at each purchase to receipt to the persons of whom he purchased the same, a copy of which receipt is to be filed with the committee upon the day of the purchase by said clerk.

2nd. That the clerk of the stationery room, in distributing said articles among the members of the House, is to open an account with each member and charge him with all articles furnished.

3rd. That the clerk of said stationery room shall not permit any person except members of this House to receive stationery therefrom.

4th. That there may be a check upon the said clerk of the stationery room and prevent abuse on his part, he is required to make a full report to this House at the end of the session.

Mr. Heffren moved to postpone the subject until to-morrow morning at nine o'clock,
Which was agreed to.

Mr. Heffren offered the following resolution:

Resolved, That the Doorkeeper of this House be directed to procure a national flag and cause the same to be placed upon the dome of this Capitol during the sitting of this General Assembly.

Mr. Prosser moved to amend by inserting the following:

And request the artillery company of this city to be in attendance upon the occasion of the hoisting of said flag, and that they fire thirty-three guns for the union of these States,

Which was accepted by Mr. Heffren as part of his resolution.

Mr. Robbins offered the following resolution:

Resolved, That the Doorkeeper of this House be instructed to place upon the desks of each member of the House two copies of the State Journal—one copy of each to be enveloped for the members.

On motion by Mr. Branham,
The House adjourned until 45 minutes past one o'clock P. M.

1 O'CLOCK 45 MINUTES, P. M.

The House met.

Mr. Heffren offered the following resolution, which was adopted :

Resolved, That the Senate be invited to the hall of the House instantler to meet in joint convention for the purpose of opening this General Assembly with prayer and receive the Message of his Excellency the Governor, and that seats be prepared for the Senate upon the right of the Speaker's chair. .

The Senate came into the hall of the House and took their seats on the right of the Speaker's chair, when the General Assembly of the State of Indiana was opened with prayer by the Rev. Gilbert Small.

After which his Excellency the Governor delivered the following Message, in the presence of both houses :

Senators and Representatives :

For the first time in the history of our State government it becomes the duty of the acting Executive of the State to announce the death of his predecessor in office before the time for which he was elected had expired. On the third day of October, 1860, at St. Paul, Minnesota, Ashbel P. Willard departed this life. His remains were brought back to our State by his widow, accompanied by the Governor of Minnesota, Hon. Henry M. Rice, one of her Senators in Congress, and by other citizens. For their kindness in thus attending the remains of our deceased Governor to the Capital of our State, I desire, for the people of the State, as well as for myself, to extend to them our heartfelt thanks. This sad occurrence has devolved upon me, by virtue of the Constitution of our State, the duties of the Executive office for the period for which the late Governor Willard was elected.

During the time that I have been acting as the Executive of the State, there has been no question presented to me, save one, that can by any possibility affect the pecuniary interests of Indiana. The semi-annual interest on the public debt for January, 1861, was maturing without the means in the State Treasury to meet it. There was no mode of liquidating that interest except by borrowing money. And believing that the citizens of Indiana desired that her obligations should be kept, the Auditor and Treasurer of State, together with myself, taking as our authority an act of the General Assembly prescribing the duties of the Governor, approved May 27, 1852, made a loan of \$125,000 from Messrs. Winslow, Lanier & Co., of the city

of New York, giving our obligations to pay the same in May next out of the revenue of the year 1860. It is a matter much to be regretted that Indiana is in such a condition that she is compelled to go into the market to borrow money for any purpose whatever. But it is due to truth to state that this necessity would not have existed but for the failure of the Senate of Indiana to pass a revenue bill for the year 1857-8.

For the action of the officers of the State government, and for the condition of the State Treasury since the last meeting of the Legislature, I respectfully refer you to the able and full report of the Auditor of State.

The management and prosperity of our benevolent institutions for the last two years have been most satisfactory, conducted as they have been by able and efficient officers. Their several reports are herewith submitted, and I most cheerfully second the recommendations therein made in reference to legislative action.

The report of the Directors of the State Prison at Jeffersonville shows that the Prison is indebted between \$8,000 and \$10,000, without present means of payment. This indebtedness was caused by the failure of the lessees of the convict labor to pay the State the amount due for such labor. The most of the money thus due the State is believed to be amply secured—but the time of its payment is uncertain. This failure to meet the just demands of the State by these lessees has been caused by the financial crisis which has existed for the last few months. I therefore recommend that the Legislature make an appropriation to meet the indebtedness of the State in connection with this institution.

The law fixing the qualification of voters, and for the protection of the ballot box against fraud is defective. Our present law does not insure a fair and honest expression of public sentiment. At our elections, on very many occasions within the last few years, in consequence of this defect in the laws, citizens of one county have, on the day previous to the election, emigrated to another county expressly to control the election.

Our government rests upon the action and will of the majority of her citizens, and that being the case, it is important that by provisions of law we may be assured that public sentiment shall have a fair expression through the ballot-box, and, without this is secured, we cannot reasonably hope that minorities will long submit. Every citizen of our State, therefore, without regard to party, is interested in having an efficient and effective law guarding this mode of expressing public sentiment. I therefore respectfully recommend the passage of a law inflicting heavy penalties upon persons voting illegally, and also upon officers of the election who refuse a legal vote, or who knowingly receive an illegal one, and fixing the residence in the county necessary to entitle one to vote, at a period that will make it unprofitable for bad men to change their residence for voting purposes alone. Had I the power of fixing the penalty for a violation of the election law of our State, it never would be below that of im-

prisonment in the State Prison. That penalty would deter bad men, and do much to preserve the purity of the ballot-box.

The commercial crisis which we are now undergoing, the depreciated condition of the securities upon which our free bank circulation is based, and the consequent depreciation of our currency warn us that in order to promote the financial interests of our State—to prevent loss arising from the receiving of paper money, so liable to depreciate while in the vaults of the Treasury, we should provide by law a sub-treasury system. The report of the commissioners appointed by the last Legislature to examine into the debts due the State suggests many reasons for the passage of this law. During the last ten years the State has suffered to the amount of thousands of dollars by the depreciation of the currency while in the hands of the State and county officers—by the bankruptcy of persons who have become debtors to the State for money borrowed out of her vaults; by the suspension of banks in which her revenues were deposited for safety; by the imprudence and improvidence of her officers, and their neglect or failure to discharge the duties imposed upon them by law. And to guard against a recurrence of those losses; to give that feeling of security to the citizen that the taxes he has paid are safely kept and prudently disbursed, it has now become absolutely necessary that a rigid law should be passed embodying these provisions: *First*, The collection of the debts due the State in gold and silver; *Secondly*, The erection of a suitable building, with secure vaults, for the preservation of the public money; and *Thirdly*, placing those officers having control of the public money under such strict guards that the loaning or disbursing of any of it, except in the manner provided by law, should constitute a felony, and render them liable to imprisonment in the State Prison.

It is manifestly unjust to require an officer to execute bond to the State, in a heavy penalty, for the secure keeping of the revenues of the State, when no provision is made specifying the kind of money he shall receive, and no suitable place provided in which it shall be kept. The necessity is great, therefore, of providing for the erection of a building suitable for the purpose, with vaults sufficiently strong to guard the public records and revenues from accident and crime; and remembering the success that has attended the sub-treasury system in some of our sister States, and in the federal government, I trust that you will give this matter your early and favorable attention.

At the last May term of the Supreme Court in the case of *Igoers vs. The State of Indiana*, the law approved February 10th, 1855, regulating the business of foreign insurance companies, was declared to be unconstitutional. By a reference to the Auditor's books, I have learned that while the law was enforced, nineteen foreign insurance companies complied with its provisions by filing their semi-annual statements, and afterwards making the necessary deposits of funds or securities. These deposits were held in trust by the Auditor for the policy holders of the companies making them. When the law was declared unconstitutional these deposits were withdrawn, and

we are left without any law regulating this important and growing branch of commercial business. It is now questionable whether there is a law authorizing the service of process on the agents of foreign insurance companies in suits growing out of contracts made by them in this State. That the magnitude of this branch of business may be seen, I learn from a gentleman conversant with insurance in this State, that there is paid annually by policy holders for insurance in foreign companies not less than \$250,000, and that the amount covered by insurance in those companies is about \$20,000,000.

I, therefore, recommend the passage of a law which will in the first place give to the policy holder perfect security, and in the second, foster and encourage *bona fide* insurance companies organized by our own citizens under the laws of the State; without such stringency, however, in its provisions, as to drive from our State good and solvent foreign companies, thereby cutting off a healthy competition.

In the progress of our State in population it has been found necessary to erect two prisons, which contain about five hundred convicts, and of that number about fifty are under twenty-one years of age.

The Legislature of 1855, impressed with the necessity of providing a place in which the young delinquents might be confined, where the old and hardened criminal should have no power to lead them further astray, or induct them deeper into crime, provided for the purchase of a piece of ground for the purpose of establishing a House of Refuge. In April last, Governor Willard and the State officers negotiated with Gen. James P. Drake for the purchase of one hundred acres of land, four miles west of the city for that purpose.

The importance of such an institution cannot be overestimated, and it has had the frequent recommendations of my predecessors. In view of the fact that the penitentiary to a young mind is a perfect school for vice; that mere boys are sentenced there in order to avoid an expense to the county for their maintenance in the county jail; and that by contact with old offenders, they come out at the end of their term as vicious as their instructors, I can hardly conceive a want more seriously felt than this. In our sister States, these institutions, under the names of "Houses of Reform," "Houses of Correction," "State Reform Schools," &c., have been tried with success. The establishment of a House of Refuge upon the ground selected and purchased for that purpose, is imperatively demanded—demanded alike by good morals and sound policy—and I recommend that prompt and adequate action be taken by you in the matter, and that no appropriation for that purpose be made.

By a law, approved March 5th, 1859, the Legislature provided for building a State Prison north of the National Road, and appropriated fifty thousand dollars to carry the provisions of the law into effect. As the Legislature failed to elect three directors, the Governor, by virtue of the law, appointed Dr. B. F. Mullen, John P. Dunn and John W. Blake such Directors, who proceeded to locate the prison at Fort Wayne. But for some reason the Governor failed to approve of

this location, and it was finally abandoned, and the location subsequently made at Michigan City. Under a contract made by the directors on the part of the State, with Messrs. Talbott and Costigan for the building of such State Prison, I learn the full amount of the appropriation has been expended. As I have had no connection, either personal or official, with this transaction, I am compelled in this general manner to allude to it. In regard to the location of this prison, the making of the contract and the direction of the work, in a matter of the importance of this, it is due to these directors as well as to the public, that you should cause a full investigation to be made in reference to their action as such directors, and I respectfully recommend that you cause such an investigation to be made. Their report is herewith submitted.

The commission appointed under a joint resolution of the General Assembly at the last session, in relation to the settlement, adjustment and collection of the dues to the State, assembled in this city in July, 1859, to discharge the duties confided to them.

By the terms of the joint resolution, the authority of the commissioners seems to be limited to the detailed statement of the unsettled accounts of all persons heretofore acting as officers or agents of State, and evidences of debt, delivered to them by the Auditor of State. They thoroughly investigated such accounts and claims, and, as far as practicable, have settled the same in pursuance of the terms of the joint resolution. The investigation required, in some instances, much labor, and the examination of a great variety of facts. The settlements so made were, in my opinion, such as the interests of the State rendered necessary, and I have upon an examination of them given my full approval thereof in writing. The report of their proceedings is herewith laid before you.

In order that the citizens of Indiana should compete favorably with those of her sister States in the full and profitable development of her mineral resources, the last Legislature, following out the wise and enlarged policy demanded by an increase in the number of our inhabitants, and a friendly emulation with our sister States, passed an act requiring a geological reconnoissance of our State preparatory to a more full and extended examination of all her hidden resources. This survey you placed under the fostering care of the able and energetic State Board of Agriculture, who have, in their direction of the survey, fully sustained their well merited character for discernment in plan and promptness in the execution of work entrusted to their charge. Already, with the \$5,000 placed by you at their disposal, they have had nearly every county partially examined, and are ready, through their geologist, to report upon the most important localities, minerals, soils, &c., meriting more full and detailed examinations, should the same wise and liberal policy dictate a further prosecution of the work, and furnish the necessary means.

The advantages of a thorough geological survey are manifold. It will show to our citizens and the world that we have more than twenty counties in which a good working coal can be developed to any re-

quired amount; coal beds from which oil can be extracted equal in quality and nearly in quantity to that of Breckinridge county, Kentucky; abundant deposits of iron ore at present worked successfully at a few furnaces, chiefly on the edge of our coal fields; and also on the same coal field margin favorable locations for sinking brine wells and boiling salt; various localities in which extended search may develop lead and other metals—one deposit having recently been developed by analytical research in the laboratory of the State Geologist as rich in the valuable mineral cobalt, extensively used in arts and manufactures—besides, further, the examination and recommendation of many valuable quarries, affording materials for building rock and road making, with others affording grindstones and whetstones of excellent quality, and a good article of lithographic stone; as well also as numerous deposits adapted to the manufacture of fire brick, earthenware, &c. Besides all these important and practical results, I would more especially call your attention to the chemical analyses of thirty-three soils selected from different geological formations, designed to show the manner in which that important work should be performed for every county in Indiana.

To enumerate all the advantages which our State would secure, would occupy more space than can be appropriately devoted to it, notwithstanding the vital importance of the subject to our whole community, but it is confidently hoped enough has been here said to direct your attention to a work alike useful and interesting to the farmer, the mechanic, the engineer, and many others, as well as to the general lovers of science.

Our lamented man of science, of world-wide reputation, and an ornament to our State, our late State Geologist, Dr. David Dale Owen, is lost to science and to us by death, and it will be indeed hard to fill the void thus occasioned. As, however, he was occupied previous to the call made on him by our State Board, in the surveys of Kentucky and Arkansas, he had not personally taken the field. The work has hitherto been conducted and reported upon by his brother, Dr. Richard Owen, whose report is herewith submitted to you with the necessary maps, diagrams, tables of analysis, etc., connected therewith.

It is now seventy-one years since the present Federal Constitution was adopted and the United States formed into one nation under its provisions. In that time, under the benign influence of our Federal Union, our advancement in all the elements of national greatness and power, has been unparalleled; and now, in the very zenith of our power, in the morning of our national existence, with all the elements of national and individual wealth in rapid process of development, we find ourselves on the brink of disunion, and from the high position we have hitherto enjoyed as a power among the nations of the earth, we seem about to fall into the fathomless depth of anarchy and civil war. As one of the members of this great confederacy of States, it is our imperative duty to carefully and honestly consider the causes that have so much disturbed our federal relations, and if

any remedy can be devised to stay the progress of disunion, Indiana should be willing to seize upon it at once and use that remedy to heal the dissensions now existing between the Northern and Southern States. The Federal Government, based as it is upon a written constitution, formed of delegated powers from the several States, and possessing no powers that are not federal in their character necessarily leaves untouched and to be exercised by the several States alone, all local rights of persons or property. Its mission is to regulate our intercourse with foreign nations, and to promote and secure domestic tranquility. Its strength rests with the affections of the people of the several States. It is a government of affection, and not of force, and the dangers that now surround us arise from the fact that the fraternal bonds that have thus far held us together as a nation, have been growing weaker and weaker until they are about to break asunder. The causes that have produced this alienation of affection between the people of the different sections of the Union, in my judgment, are all traceable to the unwise and, in many instances, fanatical agitation of the question of domestic slavery.

The very form of our Federal Government presupposes a difference in the local and domestic institutions of the several States, and has wisely left each State in the undisturbed right to control its domestic policy. At the time the Federal Constitution was adopted, twelve of the thirteen original States recognized slavery. But the institution was then in its infancy in this country, and had been forced upon the colonies by the mother country. Most of the leading men, both North and South, then looked upon its existence as ephemeral, and contemplated a day, at no great distance, when it would wholly disappear from our system. Far-seeing as the founders of this government were, they did not estimate rightly the future of this institution. Subsequent developments have fixed the line of demarkation between free and slave institutions. This line has been established by self-interest, and not by any principle of religion or philanthropy. The Northern States relieved themselves from the burthen when they disposed of their slave property to their southern neighbors and abolished the institution, and the Southern States found in the growing demand for the peculiar productions of their climate and soil, a profitable field for the employment of this species of labor, and they have cherished and maintained it, until it has become the basis of their social system as well as the mainspring of their wealth, and its productions now form the staple of the world's commerce.

From the time this line was formed a gradual but perceptible change in the tone of sentiment, both North and South, began to manifest itself. In the beginning of the agitation of the slavery question in the free States, the advocates of anti-slavery sentiments found but few sympathizers, and the abolition lecturers met with but an indifferent reception at the hands of the people. The honest instincts of the masses recoiled from the danger with which these sentiments were pregnant, and the fear of the popular mind has been

fearfully verified in the events that are now transpiring around us. In the change of popular sentiment on this subject the politician and demagogue have had much to do; but their efforts would have been powerless but for the aid they have received from a much more powerful as well as dangerous class. I refer to that class of political teachers who belong to the ministry, and who claim to speak by authority. In all ages of the world the ministers and priests of the prevailing religion have exercised a most potent influence over the minds and conduct of men, and in no country more than in our own, notwithstanding our boasted independence. Their power for good or evil is greater than any or all others. They stand as the professed representatives of heaven in attempting to reclaim a world from sin. Clothed with this sacred robe, as ambassadors from that high court, they claim to pass the judgment of heaven upon the acts and conduct of their fellow-men; and, when this high mission is faithfully and conscientiously performed by one capable of understanding the true relation between man and his maker, when the Christian religion is applied to the world as it is, and not as it ought to be, no nobler spectacle can be presented than that feature of our social system that is so strikingly exemplified in the church circle of which its minister and pastor is the center, and no class of men are entitled to higher regard than those ministers who faithfully, and in a spirit of charity, discharge the high duties of such a station. But unfortunately for us as a nation, too many who have thus armed themselves with this double power for good or evil, have turned their attention to political reforms, and invoke, in their misguided zeal, all the fanatical elements by which they are surrounded. Profoundly ignorant of the political bearings of questions of social and political economy, they claim to judge all such questions from a moral point of view, and to condemn or approve according to their standard of moral right, without any regard to the effect of such decision upon the well-being of society at large, and without considering the probable result of their pretended moral reform upon the political condition of the country, and their labors have thrown every wave of sectional commotion higher than the last, until the whole country is convulsed by it.

The slavery agitation in the free States has naturally produced ultraism at the South, and, as a consequence, the country has become divided into sectional parties, separated by geographical lines. Against these ultraisms, North and South, it is the duty of the conservative element of the whole country to interpose; and this must be done at once or disunion is inevitable, if it be not already accomplished. The points of difference between the slaveholding and the non-slaveholding States are few, and even those are more imaginary than real. We are as much interested in the development, growth, and prosperity of the Southern States as they are themselves, because southern productions have become necessities of life. On the other hand, they are deeply interested in our prosperity, and suffer from any cause that retards it. The constitution demands that their fugitive slaves be returned to them. Equity and common honesty

require that they shall have full and equal rights in the territories belonging to the general government. The future condition of the territories, so far as the extension of slavery is concerned, will ultimately be determined by the natural laws that have hitherto controlled that species of property—that is, climate, soil and productions, so that any question that can now be made upon it must be more an abstraction than a living, vital principle. Why then is it so difficult to adjust all differences between us, and what has caused this fearful political commotion, this panic that has prostrated all the commercial relations of the entire Union? This state of things followed immediately upon the result of our late Presidential election, and it would be difficult, I apprehend, to give as a reason for the present condition of things any other than the result of that contest. The South regarded the election of a Northern candidate by a Northern party as the sequence of anti-slavery agitation, as the solemn verdict of the people in the free States against the South and her institutions, and the instinct of self-preservation is now causing in the South that character of action which threatens to shake the fabric of our government to its center. The triumph of the Republican party in the late Presidential contest is the proximate cause of our present political troubles. But the state of popular sentiment necessary to produce these results has been maturing for years, and is the result of slavery agitation. The Southern mind has become impressed with the belief that there is no longer any safety to them or to their property in a union with non-slaveholding States; and that belief does not rest upon any one act of the prevailing party, but in the chain of events that connect together the history of anti-slavery agitation. Underlying, as the institution of slavery does, the whole structure of southern society, both social and political, and forming to them one great element of their wealth, regarded by them as indispensable to the growth and development of the country, and sensitive to all attacks from every quarter, there can only be permanent peace and tranquility between the two great sections of the country when we of the free States are ready to stop this discussion of the abstract question of morals connected with this institution, and to look upon it only as a political question, and as it stands connected with our interests as a nation. Compromises of political differences may do much, but that which is most needed at this time, is a restoration of the sentiments of kindly feeling between the North and the South that so strikingly characterized the early history of our Republic, and then we may hope that an honest and faithful discharge of all our constitutional obligations toward each other will result in healing the present breach and insure to us as a nation a brilliant future.

It gives me great pleasure to say that Indiana as a State has hitherto faithfully kept the bond of union with all her sister States; her record is unstained by any act of bad faith. She has never attempted, directly or indirectly, to evade or avoid any of the requirements of the Federal Constitution, and no man can doubt but if the same could be said of every other State, instead of discord, peace and har-

mony would reign throughout our borders. Let us then take pride in maintaining the high position we have thus far occupied as a conservative, Union-loving State, and, while we throw our weight into the scale in favor of any practical mode of settling the present trouble, let us also endeavor to aid in that more permanent and lasting settlement that must flow from a restoration of amity and cordiality among all our people, North and South. Then, as you have met in a legislative capacity, you should place Indiana in this controversy where she rightfully belongs—as a conservative, law-abiding and Union State. Show to the people of this confederacy that Indiana will maintain the constitutional rights of every State in this Union—that she will extend to the South all rights in the territories belonging to this government that she would claim for herself—that she will look to the constitution and the laws to determine rights of property, and not permit any moral question to interpose to affect that determination, and that all property recognized by the constitution and laws shall be alike protected. This position, although it may not affect the action of the extreme Southern States, yet it may do much to bring about a convention of the border free and slave States. And regarding, as I do, these States to be conservative, and in favor of maintaining the Union as it is, it would be well for the peace of this country, if they could meet in convention and consult together in regard to the present unhappy differences existing between the North and the South. They might, by their conservative action, induce the extremists of the North and South to pause and reflect upon the consequences which must necessarily result from their fanatical course, and if by their action this much could be gained, there would then be hope that by a union of the conservative elements of the country, these unhappy differences might be satisfactorily settled, and the best government under heaven saved from the horrors of disunion and civil war.

A. A. HAMMOND.

The Senate then retired to their chamber.

On motion by Mr. Heffren,

Resolved, That the House of Representatives of the State of Indiana has received, with the deepest sensibility, the announcement of the death of Governor Ashbel P. Willard.

Resolved, That the officers and members of this House will wear the usual badge of mourning for thirty days as a testimonial of the profound respect this House entertains for the memory of the deceased.

Resolved, That the proceedings of this House in relation to the death of Governor Ashbel P. Willard be communicated to the family of the deceased by the Clerk.

Resolved, As a further mark of respect for the memory of the deceased this House do now adjourn.

The Speaker then declared the House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
January 12, 1861. }

The House met pursuant to adjournment.

The Journal was read and approved.

The Speaker laid before the House the message of His Excellency the Governor.

Mr. McLean moved that the message be laid on the table and five hundred copies printed for the use of the House,
Which was agreed to.

Mr. Brucker moved that two hundred copies be printed in the German language.
Which was agreed to.

The following resolution, offered on yesterday by Mr. Robbins, was called up:

Resolved, That the Doorkeeper of this House be instructed to place upon the desk of each member of the House two copies of the State Sentinel and two of the State Journal, one copy of each to be enveloped for the use of members.

Mr. Heffren moved to refer the resolution and whole subject to a Select Committee of five,
Which was agreed to.

The Speaker appointed Messrs. Robbins, Sherman, Trier, Nebeker and Fraley said committee.

The Speaker announced the Select Committee under the resolution offered by Mr. Jenkinson. on the subject of the new Penitentiary, as follows:

Messrs. Jenkinson, Bingham Heffren, Burgess, Brett, Crain and Haworth.

On motion by Mr. Heffren,

Resolved, That a committee of five be appointed by the Speaker to confer with Messrs. Gavin and Hord, the publishers of the edition of their compilation of revised Statutes of the State of Indiana, and see upon what terms the same can be furnished for the use of the State.

Mr. Heffren offered the following resolution :

Resolved, That the Doorkeeper be directed to obtain from the Secretary of State, all the documents published by law for distribution, including the reports of the State officers, Penitentiary, &c., and lay the *pro rata* share of each member upon the desk of the same.

Which was adopted.

On motion by Mr. Veatch,

Resolved, That the Senate be invited to meet in the hall of the House on Monday next at 2 o'clock P. M., for the purpose of comparing the election returns for Governor and Lieutenant Governor.

On motion of Mr. Frasier,

Resolved, That the committee on stationery be requested to cause three dollars worth of postage stamps to be placed in the possession of each member of this House.

Mr. Williams moved that the Governor's message be taken from the table,

Which was not agreed to.

Mr. Cameron asked and obtained leave to introduce

House bill No. 3. A bill to amend the 16th section of an act entitled "an act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to provide for the holding of said Common Pleas Court in the county of Newton.

Which was read a first time, and passed to a second reading.

Mr. McLean asked and obtained leave to introduce

House bill No. 4. A bill to amend sections 70 and 91 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

Mr. Jenkinson asked and obtained leave to introduce

House bill No. 5. A bill limiting the power of the Board of County Commissioners in the assessment and levy of taxes.

Which was read a first time, and passed to a second reading.

Mr. Roberts asked and obtained leave to introduce

House bill No. 6. A bill to amend section 1 of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852.

Which was read a first time, and passed to a second reading.

Mr. Stevenson asked and obtained leave to introduce

House bill No. 7. A bill to amend the thirteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading.

Mr. Nebeker asked and obtained leave to introduce.

House bill No. 8. A bill providing for the allowance of compensation to clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

Mr. Edson asked and obtained leave to introduce

House bill No. 9. A bill to amend section one hundred and forty-eight of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a first time, and passed to a second reading.

Mr. Jenkinson offered the following joint resolution:

WHEREAS, The steamer *Star of the West*, bearing the stars and stripes of our common country, freighted with a reinforcement of men and supplies for the relief of the gallant *Anderson* at Fort Sumpter, in the peaceful pursuit of her object has been fired into by a mob of armed men at Morris Island, in the State of South Carolina.

SECTION 1. *Be it Resolved*, by the General Assembly of the State of Indiana, that Senators in Congress be instructed, and our Representatives be requested to vote such supplies, consisting of men and money, and give the executive department of the General Government full power to arrest and punish the traitors that with fratricidal hands dared to strike the flag of our glorious Union.

Which, under the decision of the Speaker, was referred to the Select Committee of thirteen.

The Speaker appointed the following select committee under the resolution offered by Mr. Heffren, to-wit:

Messrs. Heffren, Burgess, Jenkinson, Grover and Prosser.

Mr. Kendrick asked and obtained leave to introduce

House bill No. 10. A bill authorizing county libraries to loan certain funds and regulating the same,

Which was read a first time, and passed to a second reading.

Mr. Williams asked and obtained leave to introduce

House bill No. 11. A bill providing for rebuilding and repairing division fences along the line of railroads,

Which was read a first time and passed to a second reading

Mr. Jones, of Vermillion, from the select committee on stationery, made the following report:

MR. SPEAKER:

The committee on stationery have directed me to make report that they have made ample arrangements for the supplying of each member with all the necessary articles included under the head of stationery.

1st. They have selected James A. Bell, of Vermillion county, clerk, and put him in charge of the stationery room, and require him to purchase all of his paper, ink, pens and envelopes subject to their

direction and order of the Secretary of State, and at each purchase to receipt to the Secretary for the same—a copy of which receipt is to be filed with the committee upon the day of the purchase by said clerk.

2nd. That the clerk of the stationery room, in distributing said articles among the members of this House and the clerks, is to open an account with each member and clerk and charge him with all articles furnished.

3rd. That the clerk of said stationery room shall not permit any person except members of this House and clerks of this House, and clerks of committees of the same, to receive stationery therefrom.

4th. That there may be a check upon the said clerk of the stationery room and prevent abuse on his part, he is required to make a full report to this House at the end of the session.

Which was concurred in.

Mr. Sherman offered the following resolution:

Resolved, That the Doorkeeper be authorized to procure the two German papers of this city, to be enveloped and laid upon the desk of each member of the House.

Which,

On motion,

Was referred to the Committee on Newspapers.

Mr. Holcomb asked and obtained leave to introduce

House bill No. 12. A bill to amend the third section of an act entitled an act to amend the third section of an act entitled an act to establish a Court of Common Pleas and defining the jurisdiction and duties of, and providing compensation for the judges thereof.

Which was read a first time and passed to a second reading.

Mr. Black asked and obtained leave to introduce

House bill No. 13. A bill to provide for refunding saline funds to persons who have erroneously paid the same to the treasurer of such funds.

Which was read a first time and passed to a second reading.

Mr. Allen asked and obtained leave to introduce

House bill No. 14. A bill making provision for the refunding of money illegally collected, under an act entitled "an act concerning

license to vend foreign merchandize; to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Which was read a first time and passed to a second reading.

Mr. Packard asked and obtained leave to introduce

No. 15. A bill to amend section one of an act entitled "an act concerning interest on money."

Which was read a first time and passed to a second reading.

On motion by Mr. Branham,

Resolved, That five hundred copies of the report of the Commissioners appointed to adjust the debts due the State be printed for the use of the House.

Mr. Hefren move to amend by inserting in the proper place—

Five hundred copies of the report of the Commissioners on the Northern Penitentiary.

Which was agreed to.

The resolution, as amended, was then adopted.

Mr. Hopkins asked and obtained leave to introduce

House bill No. 16. A bill to amend section second of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Which was read a first time and passed to a second reading.

Mr. Sherman moved that when the house adjourns it do so until Monday morning at 9 o'clock.

Which was agreed to.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has accepted the invitation of the House to meet in the hall of the House on Monday next at 2 o'clock P. M. for the purpose of comparing the election returns for Governor and Lieutenant Governor.

On motion by Mr. Wilson,

Resolved, That the stated hours for the meeting of this House be at 9 o'clock A. M. and 2 o'clock P. M.

On motion by Mr. Branham,

The House adjourned until Monday morning at nine o'clock.

MONDAY MORNING, 9 o'clock, }
January 14, 1861. }

The House met.

The Journal was read and approved.

On motion by Mr. Orr,

Resolved, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait on His Excellency Henry S. Lane, and the Hon. Oliver P. Morton, and inform them of their election, the first to the office of Governor, and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain from them what time it will suit their convenience to take the oath of office; and the Clerk of this House shall immediately inform the Senate of the adoption of this resolution, and ask their concurrence.

Messrs. Orr and Jenkinson were appointed said committee.

On motion by Mr. Bundy,

Resolved, That this House will (the Senate concurring,) go into the election of United States Senator on Wednesday next at two o'clock P. M.

Mr. Edson offered the following resolutions:

Resolved, By the General Assembly of the State of Indiana, That Indiana spurns with just indignation the charge that she has ever

had, either now or heretofore, any legislative enactment, constitutional or otherwise, the intent or effect of which is or was, either directly or indirectly to impede, obstruct, retard or hinder the rendition of fugitives from service or labor, when claimed under the act of Congress of 1793 or 1850, commonly known as the Fugitive Slave Law.

Resolved, That Indiana is now, as ever, loyal to the Constitution; that she views with regret the passage by Massachusetts and other northern States, and the continuance thereof upon their statute books of so-called "Personal Liberty Bills;" that she is opposed to the spirit of all such laws, and demands their speedy and unconditional repeal, as well as that of all other laws nullifying any of the provisions of the Constitution, either North or South.

Resolved, That the Fugitive Slave Law, so called, should be so amended or modified as to make the fee allowed the Commissioners equal in all cases, and to allow the Marshal to call upon the "posse comitatus" for assistance only in those cases when there is an apparent or manifest intent to prevent the apprehension of the fugitive or fugitives, or to rescue the same after such apprehension.

Resolved, That a copy of these resolutions be sent to the Governor of every slave State in the Union, South Carolina and Mississippi inclusive.

Which, under the decision of the Speaker, was referred to the Committee of Thirteen.

On motion by Mr. Davis,

Resolved, That the newspaper reporters be allowed seats inside of the bar for the purpose of reporting the proceedings of this House.

Mr. Cameron offered the following joint resolution:

WHEREAS, Hon. Abraham Lincoln, President of the United States of America, will shortly pass through our State on his way to the Capital of the nation, and whereas, the General Assembly desire to show their respect for the future Chief Magistrate of the Republic, therefore,

Resolved, That the General Assembly of the State of Indiana invite the President elect of the United States of America to visit the Legislature now assembled, on his way from his residence to the Federal Capital, and that a committee of seven be appointed by the House, and six by the Senate, to jointly confer with Mr. Lincoln, by letter or otherwise, and should he accept this invitation, said commit-

tee shall meet him at the boundary of our State, and escort him to the Capital.

The question being on the adoption of the resolution, Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Nebeker, Orr, Parrett, Pitts, Randall, Sherman, Sloan, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Edson, Fleming, Heffren, Holcomb, Horton, Jenkinson, Kitchen, Lods, Moss, Packard, Prosser, Prow and Trier—15.

So the resolution was adopted.

Mr. Underwood asked and obtained leave to introduce joint resolution No. ———

Which, under the decision of the Speaker, was referred to the Committee of Thirteen.

On motion of Mr. Moody,

Resolved, That the Quartermaster General be requested to inform this House what arms there are on hand belonging to this State, and what arms and the description thereof have been distributed during the last five years, and to what counties; and also to inform the House whether the quotas of arms due this State from the United States have been regularly drawn, and if yes, under what enrollment of the militia, and how many and what description of arms have been so drawn.

Mr. Feagler offered the following resolution :

Resolved, That a committee of seven be appointed to inquire into the condition of the Swamp Land fund; how the same has been expended and appropriated; what deficiency has accrued by Swamp Land Commissioners; how much of ditching has been done; how much is unpaid for that has been done.

And be it further resolved, That the committee have power to send for persons and papers, and to report to this body at as early a day as is practicable, by bill or otherwise, what further legislation is necessary.

Which,

On motion by Mr. Branham,
Was referred to the Committee on Swamp Lands.

Mr. Heffren asked and obtained leave to introduce

House bill No. 17. A bill regulating the public printing of the State of Indiana, providing for letting the same to the lowest bidder, and also for the purchasing of all papers and stationery from the lowest bidder; providing for the publication of the same and journals, &c., of the General Assembly.

Which was read a first time and passed to a second reading.

Mr. Woodhull asked and obtained leave to introduce joint resolution No. 4.

Which,

Under the decision of the Speaker,
Was referred to the Committee of Thirteen.

Mr. Erwin asked and obtained leave to introduce

House bill No. 18. A bill to repeal an act entitled "an act to amend the first section of an act entitled 'an act to authorize the formation of new counties and to change county boundaries,' approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained," approved March 5, 1839.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication, with accompanying documents, from the Auditor of State:

OFFICE OF AUDITOR OF STATE OF INDIANA, }
Indianapolis, Jan. 14, 1861. }

HON. CYRUS M. ALLEN—

Speaker House of Representatives:

I have the honor to represent to the honorable body over which you preside, that the term for which I was elected expires on the 25th inst., and to request the appointment of a committee to examine the vouchers and count the cancelled notes of suspended banks which have been redeemed since the close of the fiscal year of 1858.

It is necessary that this work should be entered upon at once in order that I may be prepared to turn over the office to my successor.

Respectfully,

JOHN W. DODD,

Auditor of State.

On motion by Mr. Branham,

The report was referred to the Committee on Ways and Means.

Mr. Prosser asked and obtained leave to introduce

House bill No. 19. A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.

Which was read a first time and passed to a second reading.

Mr. Roberts asked and obtained leave to introduce

House bill No. 20. A bill to amend section 238 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Packard,

Resolved, That so much of the Governor's message as refers to re-
H. J.—4

commendations concerning foreign and domestic insurance companies be referred to a select committee of five, to report thereon at as early a day as practicable.

Mr. Moss obtained leave and introduced

House bill No. 21. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. McClurg asked and obtained leave to introduce

House bill No. 22. A bill to repeal an act entitled "an act to establish courts of conciliation; to prescribe rules, practice and proceedings therein, and the compensation of Judges."

Which was read a first time and passed to a second reading.

Mr. Frasier offered the following resolution:

Resolved, That that portion of the Governor's message which relates to the clergy be referred to a special committee of three, with instructions to inquire into the expediency of revising the New Testament, and report at an early day.

Which,

On motion by Mr. Woodhull,

Was laid on the table.

On motion by Mr. Jones, of Wayne,

Resolved, That the committee on education be required to inquire into the expediency of amending the school law of our State that our public money shall be so expended as to require employers in each school district to raise an amount by subscription equivalent to that of the public money, and that the money be so divided as to afford a summer and winter, or summer or winter school only, at the option of the employers of the district, and report by bill or otherwise.

Mr. Erwin offered the following resolution:

Resolved, That the Doorkeeper be authorized to procure a copy of "Jefferson's Manual" for the use of each member of this House.

Mr. Heffren moved to amend by striking out "Jefferson's Manual" and inserting "Cushing's Manual."

Which was agreed to.

The resolution was then adopted.

Mr. Wilson asked and obtained leave to introduce

House bill No. 23. A bill to amend section 23 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and for other purposes therein named," approved June 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Bundy offered joint resolutions No. 5—on Federal Relations,

Which were referred to the Committee of Thirteen.

Mr. Heffren asked and obtained leave to introduce

Joint resolution No. 6. Joint resolution on the free navigation of the Mississippi River.

Which was read.

Mr. Gresham moved to amend the resolution by striking out the words "granted privilege" and inserting in lieu thereof the words "long vested rights."

Which was agreed to.

Mr. Jones, of Vermillion, moved to amend by striking out the words "heave to" and inserting in lieu thereof the words "round to."

Which was agreed to.

Mr. Edson moved to further amend the resolution by adding the words, after the "mouth of said river," "or any portion thereof."

Which was agreed to.

The question then being on the passage of said joint resolution,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Huntington, Combs, Coopridger, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming,

Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones, of Tippecanoe, Jones, of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—86.

So the resolution was adopted.

Ordered, That the Clerk inform the Senate thereof.

Mr. McLean asked and obtained leave to introduce

House bill No. 24. A bill to prevent the emigration of votes from one county in this State to another, and from one township to another, for the purpose of influencing or carrying the election in such other county; prescribing penalties against persons aiding, abetting, counselling or engaging therein, and for the preservation of the purity of the ballot box.

Mr. Holcomb asked and obtained leave to introduce

House bill No. 25. A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time and passed to a second reading.

Mr. Cameron asked and obtained leave to introduce

House bill No. 26. A bill to amend the 4th section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time and passed to a second reading.

On motion by Mr. Brucker,

Resolved, That the Committee on Roads be requested to inquire into the expediency of so amending the laws in relation to highways as to require the owners of said land along highways and railroads to cut down any dead trees on their lands which, when falling, might injure persons traveling along said highways, and make it the duty

of overseers of roads to cut down such trees in cases where the owners of the land have failed to comply with this act.

On motion by Mr. Gresham.

Resolved, That the citizens of Indianapolis be requested to close shop, and attend with their bands of music the raising of our national flag to the dome of the Capitol, and that the military companies of the city be invited to attend.

On motion by Mr. Woodruff.

Resolved, That the Committee on Education be required to inquire into the expediency of so amending the school law as to authorize the director of each district to employ teachers without submitting it to a vote of the district, and report by bill or otherwise.

Mr. Bundy asked and obtained leave to introduce

House bill No. 27. A bill fixing the compensation of the Speaker of the House of Representatives.

Which was read a first time, and passed to a second reading.

Mr. Stotsenburg asked and obtained leave to introduce

Joint Resolution No. 7. A joint resolution on Pensions to soldiers of the war of 1812.

Was read, and

The question being on the passage of the resolution:

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods and Mr. Speaker—82.

So the joint resolution passed unanimously.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Moody,

Resolved, That the Secretary of State be requested to inform this House what military commissions have issued during the last six years, to whom and what are the dates of such commissions.

Mr. Woodhull asked and obtained leave to present a petition from citizens of Steuben county on the subject of roads.

On motion,
Referred to the Committee on Roads.

On motion by Mr. Veatch,

Resolved, That the Doorkeeper be instructed to place the fine golden eagle, politely and patriotically tendered for the use of the House during the present session of the General Assembly by John H. Vajen, hardware merchant, of this city, and an adopted citizen of the United States, upon the clock behind the Speaker's desk.

Mr. Heffren asked and obtained leave to introduce

Joint Resolution No. 9. A joint resolution in regard to postage, pay and mileage of members.

The question being on the passage of the resolution:

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones, of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, Lods, McClurg, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Robbins, Sherman, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Moss and Roberts—2.

So the resolution passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Jones,

Resolved. That the Auditor of State be requested to furnish this House, at his earliest convenience, a statement of the names of all Circuit Judges and Circuit Prosecutors who have received extra compensation in consequence of holding special terms of said courts, and the several amounts of such extra compensation so paid, or ordered to be paid to such judges and Prosecutors, which may have been done in pursuance of the law of 1858.

Mr. Nebeker moved that when the House adjourn it adjourn to meet at 45 minutes past one o'clock.

Which was agreed to.

On motion by Mr. Jenkinson,

WHEREAS, Mr. James Sutherland has in course of publication a book entitled "Biography of Indiana Statesmen, Forty-first General Assembly," and as much of its matter must necessarily be gathered from the members of this House, therefore,

Resolved. That Mr. James Sutherland, and J. A. Berry, assistant editor, be granted the privilege of free access to this floor, at any time during session hours, when not interfering with the legislative duties thereof.

On motion by Mr. Bundy,

Resolved. That the Judiciary Committee enquire into the expediency of framing and submitting to this House for their adoption, amendments to the Constitution providing for annual instead of biennial sessions of the Legislature: and also that the citizens of any town or township, desiring so to do, may levy such additional tax for school purposes as they may deem expedient.

On motion by Mr. McLean,

Resolved. That the Committee on Education be instructed to en-

quire into the expediency of so amending or modifying the duties of the office of Superintendent of Public Instruction as to make the duties and salary of said office merely nominal, and whether under our existing State Constitution the said office can be wholly abolished.

Mr. Thomas offered the following resolution:

Resolved, That the Clerk be instructed to procure and lay upon the table of the members a copy of the report of the Joint Committee on Swamp Lands at the last session.

Mr. Nebeker moved to lay the resolution on the table.
Which was agreed to.

Mr. Hayes asked and obtained leave to introduce

Joint Resolution No. 10. Instructing our Senators and requesting our Representatives in Congress to take such action as may be necessary to give each actual settler on the public lands a homestead of at least one hundred and sixty acres.

The question being on the passage of the joint resolution,

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan Bundy, Burgess, Cameron, Campbell, Cason, Clark, Collins of Adams, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane, Lee, Lightner, McClurg McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Williams, Woodhull, Woodruff, Woods and Mr. Speaker—86.

So the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

On motion by Mr. Lane,

Resolved, That the Committee on Education be requested to en-

quire into the expediency of so amending the school law as to leave the ten per cent., State tax in the counties where collected,

Mr. Bundy asked and obtained leave to present a memorial on the subject of temperance.

On motion,
Referred to the Committee on Temperance.

Mr. Nebeker asked and obtained leave to introduce

House bill No. 28. A bill to amend the first section of an act approved May 27, 1852, entitled "an act concerning interest on money." Which was read a first time and passed to a second reading.

On motion by Mr. Cason,

Resolved, That the Committee on Judiciary be instructed to enquire into the expediency of reducing the fees of the county clerks in the settlement of decedents' estates, and to report by bill or otherwise.

On motion by Mr. Packard,

Resolved, That the Principal Clerk and Doorkeeper be requested to report immediately after the reading of the journal on to-morrow the number and names of those employed under them in the service of the House, and the particular business, as near as possible, in which they are engaged.

Mr. Kendrick asked and obtained leave to introduce

House bill No. 29. A bill to create the sixteenth judicial circuit. Which was read a first time and passed to a second reading.

On motion by Mr. Wood,

WHEREAS, many thousand acres of land in the county of Lake are overflowed, caused by the erection by the trustees of the Illinois and Michigan canal of a dam at Blue Island in the State of Illinois across the Calumet river, therefore,

Be it Resolved, That the Committee on the Judiciary be requested to investigate by what right said dam was erected, has been kept up to the great injury and in violation of the rights of the people, and report the same by bill or otherwise.

The Speaker laid before the House the following message and accompanying documents:

INDIANAPOLIS, Nov. 5, 1860.

To His Excellency Abram A. Hammond:

SIR—Having been employed by Gov. Willard to examine the records containing the sales and conveyances of swamp lands under the administration of each Secretary of State, and to make a report of the amount therein recorded to each under whose administration the record has been kept, and also to make two copies of the same, one for the Legislature and the other for the office of the Secretary of State, and having complied with the same, copies of which I would respectfully submit, and the amounts of land contained therein, commencing from the 26th of November, 1852, up to the 1st November, 1860.

On motion by Mr. Moody,

Resolved, That the Committee on the Judiciary be and they are hereby instructed to inquire and report to this House at as early a day as practicable, what would be the effect of a repeal of the present militia law as to those persons holding commissions under appointment of the Governor, whether such persons would have the constitutional right to hold office and exercise command under any other law that might be enacted for the term expressed in their commissions.

On motion by Mr. Black,

Resolved, That the Committee on the Judiciary be requested to inquire into the expediency of defining an assault, and that they report by bill or otherwise.

On motion by Mr. Grover,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of abolishing the Common Pleas Court, and report, by bill or otherwise, at their earliest convenience.

On motion,
The House adjourned until 45 minutes past 1 o'clock P. M.

1 O'CLOCK 45 MINUTES, P. M.

The House met.

The Speaker made the following announcement from the chair :

Gentlemen of the House of Representatives :

The Constitution of the State of Indiana requires that the Speaker shall open and publish the returns of the election for Governor and Lieutenant Governor in the presence of both houses of the General Assembly, and as the official term of the Governor and Lieutenant Governor elect commences this day, I have communicated an invitation to the Senate requesting them to meet the House in this hall: and in obedience to the constitution I shall, so soon as the Senate appear, proceed to publish the returns for Governor and Lieutenant Governor.

On motion by Mr. Heffren,

Resolved, That the Senate be invited to meet in the hall of the House instantler to witness the counting of votes for Governor and Lieutenant Governor, and that seats be provided for them on the right of the Speaker's chair.

The Senate then, in pursuance of the invitation of the House, communicated through the President, came into the hall of the House, preceded by the President of the Senate,

When the joint session was called to order by the President of the Senate.

The President then declared :

GENTLEMEN:—We have assembled in joint convention in accordance with the provisions of section four, article five, of the Constitution of the State of Indiana, which reads as follows:

“Sec. 4. In voting for Governor and Lieutenant Governor, the electors shall designate for whom they vote as Governor and for whom they vote as Lieutenant Governor. The returns of every election for Governor and Lieutenant Governor shall be sealed up and transmit-

ted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly."

The Speaker of the House of Representatives will now proceed to open and publish the returns for the election of Governor and Lieutenant Governor of the State of Indiana.

The Speaker of the House of Representatives, then, in presence of both houses of the General Assembly, proceeded to open the returns of the votes cast for Governor and Lieutenant Governor of the State of Indiana, on the 9th day of October, 1860, and, on counting all the votes returned, it appeared therefrom that for the office of Governor,

Henry S. Lane had received.....	136,725
Thomas A. Hendricks had received.....	126,768

Henry S. Lane, having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both houses of the General Assembly of the State of Indiana, declared duly elected Governor of the State of Indiana, to serve as such for the term of four years from and after the second Monday in January, A. D. 1861.

On motion by Mr. Heffren,

Resolved, That a committee of five—three upon the part of the House and two on the part of the Senate—be appointed to wait upon his Excellency, Henry S. Lane, Governor elect of the State of Indiana, and upon the Hon. Oliver P. Morton, Lieutenant Governor elect, and inform them of their election to said offices respectively.

Messrs. Heffren, Bundy and Veatch were appointed said committee on the part of the House.

Henry S. Lane appeared in the hall of the House of Representatives and was sworn into office by the Hon. Samuel E. Perkins, one of the judges of the Supreme Court, and delivered his inaugural address as follows:

Gentlemen of the Senate and House of Representatives, and Fellow Citizens:

The People of Indiana, in adopting their present Constitution, expressed their gratitude to Almighty God for the free exercise of the right to choose their own form of Government, in order to estab-

lish justice, maintain public order, and perpetuate the principles of civil and religious liberty. For the present enjoyment of these inestimable rights and privileges; for the blessings of peace and order within our borders; for bountiful crops and general health and prosperity throughout the year which has just closed, our most heartfelt thanks and gratitude, individually, and collectively as a people, are due the same Almighty, Allwise, and beneficent Being. I feel the strongest degree of confidence, Senators and Representatives, in the belief that you will, in the exercise of those high and important legislative powers with which you are invested by the Constitution, be constantly governed by strong motives impelling you to adopt wise measures for the advancement and maintenance of the true interests of the people of the different sections of Indiana; and also by a patriotic desire to prevent or allay all unnecessary and injurious local political excitement, and to promote and secure as far as possible the general prosperity, safety and honor of our beloved State.

The annual reports of the several state officers for the fiscal years ending in 1859 and 1860, have been laid before both branches of the Legislature, and these documents present an official exposition of the business and operations of the various departments of the state government. They are worthy of, and will doubtless receive, your most careful examination and consideration, in order that the proper legislative remedies may be applied for the removal of any defects that may be found to exist, either in the laws relating to these departments or in the administration of those laws. Entertaining as I do the strongest confidence in the honesty and capacity of the recently elected Treasurer of State; and without intending to cast any reflection upon the official conduct of any of his predecessors in office, still I deem it proper at this time to recommend to you such changes in the law regarding the Treasurer's office as will most effectually prevent any mis-appropriation of the public funds, or their use for any purpose of private speculation or gain, and which insure the availability and safety of money in the public treasury at all times. Changes calculated to effect these desirable and important objects will receive my most cordial approbation and support.

Our Common School System, from its importance, demands and will doubtless receive your careful consideration. It is believed that such a modification of the school law can be made as will make the system more useful and less burthensome to the people. In your efforts to secure these objects you may rely upon my co-operation.

From the report of the Auditor of Public Accounts, it appears that the total receipts from all sources for the fiscal year ending the 31st of October 1860, amounted to \$1,658,217.87. The total expenditures during the same period were \$1,621,108.48, leaving in the Treasury at the close of the fiscal year an actual balance of \$134,660.39. From the same report it appears that the domestic debt of the State on the 31st of October amounted to \$2,008,993.59, and the foreign debt to \$7,770,273.50. By a careful revision of all the laws which relate to the mode of conducting the

financial affairs of the State, and by the application of the most rigid economy to all the various departments of the State Administration, the present Legislature will, it is confidently believed, be enabled to provide ways and means less onerous and more effectual than those which have heretofore been in operation for the gradual reduction and final extinction of our State debt. In the administration of every department of the State government, the strictest economy that can be introduced, consistently with a steady maintenance of the public interest, will be in accordance with the wishes and just expectations of the People of Indiana; and in all your efforts to make provisions for a faithful and economical administration of the State Government, you will have my earnest, active, and honest cooperation and support. And in this connection permit me to suggest the importance of instituting a rigid inquiry, by a joint Committee of the Senate and House of Representatives, into the past management, and present condition of the various benevolent Institutions of the State, and also of our State Prisons; and if extravagance and mis-management are found to exist in the administration of either or all of these Institutions, to take such steps as shall in future prevent a recurrence of such abuses. The honor and interests of the citizens of the State of Indiana, alike demand a thorough investigation in reference to the manner in which the Swamp Lands given to the State by the Congress of the United States, have been disposed of.

The importance of a well organized and thoroughly drilled Militia, in the present critical condition of our National affairs, cannot be overestimated; and I will most heartily concur with you in any measure which you may devise for the purpose of giving greater efficiency to the present very defective Militia laws of our State. A possible, (I hope not a probable,) contingency may arise during the present session of the Legislature, which will make it necessary and proper for you to appropriate a sum sufficient to equip a portion of the Indiana Militia for the purpose of aiding in the prompt execution of the laws, and in the maintenance of the government. If this contingency shall occur during your session I doubt not that you will meet in a spirit becoming freemen and patriots.

The present laws in relation to the mode of conducting elections are not sufficient to protect the purity of the ballot-box, nor to prevent frauds upon the inestimable privilege of the elective franchise; and I therefore recommend such a revision and change of the election laws as will most effectually accomplish these objects.

Within the last few months, gentlemen of the Senate and House of Representatives, we have been compelled to be unwilling witnesses of the rapid progress of certain events which have seriously threatened the integrity of the Constitution and disturbed the harmony of the Union. In a few of the southern States a treasonable conspiracy, originated by pestilent demagogues, has been allowed to grow and spread unpunished and even unrebuked, until, overrating its own strength and vastly underrating the patriotism of the people, it as-

sumed form and boldness immediately after the late Presidential election, and now declares its object to be the dismemberment of the United States and the founding of a Southern Confederacy of seceding States. To those who have carefully observed the rise and progress of this scheme of treason, it is evident that no compromises or concessions, which the people of the United States ought to make, in order to preserve the peace of the country, would be sufficient to satisfy the disunionists of South Carolina; and I regret to say that it seems to be almost certain that the people of a few of the southern States are inclined, if not determined, to resist, by armed force, any attempt to hold South Carolina, or any other seceding State, in the Union, by means of the military and naval forces of the United States. But, notwithstanding the extraordinary and treasonable proceedings, and partial, success of a large class of disunionists, I do not, at present, believe it will become necessary to use any considerable part of the military power of the National Government, in order to punish overt acts of treason in any part of the Union. Every citizen of the Union is under an obligation to defend the country, and its constitution and laws, against the attacks of foreign enemies and the assaults of domestic traitors; and if ever a majority of the people of the United States shall deliberately repudiate this patriotic obligation, and shall wilfully and submissively permit treason to walk abroad in our fair land, defy our Constitution and laws, and assail our National Government, then our once magnificent, powerful, and fraternal Union will sink into a state of hopeless anarchy and decay, and thus expose to the nations of the earth a chaotic mass of mighty ruins, upon which the friends of free popular government, throughout the world, may look with sorrow and despair.

My faith in the power of American patriotism compels me to hope that a majority of the citizens of those States in which the greatest amount of angry excitement now prevails, will be found, in the hour of trial, ready to support and defend the constitutional authorities of the government of the United States, to baffle and defeat all the mad schemes of traitors and disunionists, to reestablish, in their respective States, the majesty of the laws and the supremacy of the Constitution, and to save our beloved country from the horrors of civil warfare and fraternal bloodshed.

However alarming the present crisis in our affairs may be, still I hope, by prudent, firm, and patriotic action on the part of the people and their representatives, the rights of every individual and State in the Confederacy may be preserved inviolate, and that order, law and justice may soon be permitted to resume authority in those portions of the Republic where mob law has been too long tolerated in its murderous assaults on the persons and constitutional rights of American citizens. The novel, alarming and treasonable assumption that any State in the Union has a right under the Federal Constitution to secede at pleasure, is a doctrine unknown to the Constitution, at war with the principles on which our Government was established, and destructive of those high and sacred objects sought to be accomplished

by the Confederation. If the anti-Democratic and anti-Republican position now assumed by a large party at the South be true "that the result of a Presidential election, legally and constitutionally conducted in all respects, is to be held a good reason for a dissolution of the Union," then the Union can only be preserved by a base surrender of the right of the majority to rule, and by striking down that liberty and equality which the Constitution was ordained and established to guarantee and perpetuate. The present disastrous agitation now existing in the southern portion of the United States, has been caused by the disingenuous and dishonest charges of unscrupulous and reckless partizans; who, in their madness and folly, have given to party that love which the patriot only bestows upon his country. Our Southern brethren have been taught to believe that the party lately triumphant in the Presidential election meditate an attack upon their domestic institutions and a violation of their constitutional rights. The history of that great party shows the utter groundlessness of these charges. A remote cause of the present hostile attitude of South Carolina may be found in the treasonable doctrines taught in 1832 and 1833 by the leaders of the Nullification movement. These doctrines were temporarily crushed out by the firmness and patriotism of President Jackson, and by the almost universal disposition shown in all parts of the country to support him in the execution of the laws, and in the preservation of the Union. But, in an evil hour for the Republic, under a weak and wicked administration of the General Government, similar doctrines have again found utterance and support. But the immediate cause of the present crisis was the repeal of the Missouri Compromise. That act of bad faith and worse statesmanship, that sin against the cause of freedom, and the cause of peace, raised the storm which now threatens to destroy the freest, happiest and grandest government upon earth. Another cause which has contributed largely to the present state of things in the South is this: Appeals are made by speeches and papers sent from the North, and freely circulated in the Southern States, conveying a false impression as to the objects, aims and doctrines of the great body of the Northern people. The answer to these incendiary and treasonable appeals is never suffered to reach the Southern States, and hence, many honestly believe that a large and organized party exists at the North, banded together to make war upon the interests and institutions of the Southern people, when every intelligent man here knows that no such party does or can exist. If secession in South Carolina be treason, and no one doubts but that it is, to aid and abet secession in other parts of the Republic is no less treason. If the South has her peculiar grievances, the North also has many and just causes of complaint. Many of her citizens have been deprived of property, liberty and life without evidence, without trial, without crime. Mob violence has perpetrated such outrages upon American citizens as would lead inevitably to a state of war if committed by the subjects of a foreign power. If permanent peace is to be restored to our unhappy and distracted country,

it must be done by the removal of all real causes of offence North or South.

The doctrine of secession, peaceable or forcible, now, or at any other time, is a dangerous heresy, fraught with all the terrible consequences of civil-war, and bloodshed, and leading directly to the utter ruin of all our free institutions. This heresy has not yet poisoned the public sentiment of Indiana, and may God in his kind providence put afar off the evil day which shall witness its prevalence among us. I most sincerely believe, and am proud to declare, that the people of Indiana of all parties are true to the Constitution, and loyal to the Union; and that they will always be in the future as they have shown themselves to have been in the past, willing to yield a ready and cheerful obedience to all the requirements of the Constitution and laws of the United States, and to maintain and uphold at all times, under all circumstances, and at every hazard, the glorious form of free government under which we live. The people of our noble State, with very few exceptions, are, I think, resolved to support the President of the United States in the free exercise of all his constitutional powers, with the manliness and courage worthy of a free people. The people of Indiana fully appreciate the importance of the Union, and all the blessings which it confers upon us as a Nation. They do not believe that secession or nullification can furnish a remedy for any political evil, present, past, or to come; they are resolved to transmit to the coming ages undiminished the rich inheritance of freedom, civilization and glory, bought for us by the blood of the Fathers. The light of no single star which blazes on our national flag shall ever be dimmed by the unconstitutional action of either the people or Legislature of our noble commonwealth.

A voluntary and prompt repeal of all State legislation, (either by Northern or Southern States,) contrary to the letter or spirit of the Constitution and intended to defeat the execution of any of the laws of Congress, would be a peace-offering worthy of a great, intelligent and free people, and would be hailed with joy by every patriot in the land. Indiana has not now, and never had, any such legislation upon her statute books.

Whatever may be the condition of public sentiment in other sections of the Union, the people of our State would favor an amicable settlement of the existing difficulties between the different parts of the Republic; but such settlement, to be permanent and final, must be based upon measures equal and just in their operation, and alike honorable to all portions of our common country.

In all the official relations of Indiana with her sister States, I hope her conduct will be characterized by courtesy and fraternal feeling, and that we shall cheerfully and promptly yield to them all their just rights as equals under the Constitution, and that in all our actions as a State or as individuals, we shall be governed by a high sense of justice, and by a sincere desire to advance the peace and prosperity of the people of all the States in the Confederacy. While we are prepared to respect and observe all the just rights of the citizens of all other

States, we should be careful to assert, maintain and protect all the rights of our own citizens at home and abroad. Standing as the main pillars which support our noble Christian civilization and our boasted freedom, there are certain inestimable rights which belong to every citizen of the United States by the laws of God and man. These rights rise in importance immeasurably above all party triumphs and party creeds, all local laws and false political theories. The liberty of speech, the freedom of the press, the freedom of religious worship under just and reasonable laws must, and will be maintained and perpetuated by the people of these United States, in defiance of all opposition, and even by the free use of the sword if all other means shall fail.

In conclusion, Senators and Representatives, I rest in the firm belief that you will labor diligently and successfully in the discharge of your difficult and important duties; and that the results of your legislation will promote the general welfare of the State, and improve the condition of the various public and private interests confided to your care by the people of Indiana; and to that end may all your deliberations be guided by "that wisdom which cometh down from on high."

HENRY S. LANE.

For the office of Lieutenant Governor it appeared, from the returns aforesaid, that

Oliver P. Morton had received.....	136,470
David Turpie had received.....	126,292

Oliver P. Morton, having received a majority of all the votes cast, was, by the Speaker of the House of Representatives, in the presence of both houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana for the term of four years from and after the second Monday of January, A. D. 1861.

Oliver P. Morton was then sworn into office by the Hon. Samuel E. Perkins, one of the judges of the Supreme Court.

The President of the joint session then declared said convention adjourned.

The Senators then retired to their chamber.

A message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate has concurred in the resolution of the House to go into the election of a United States Senator on Wednesday next at 2 o'clock P. M.

Mr. Cameron offered the following resolution :

Resolved, That 5,000 copies in English and 2,000 in German of the inaugural address of Governor Lane be ordered to be printed for the use of the House.

Mr. Heffren moved to amend by adding, "and also the same number of copies of Governor Hammond's message—less 700 the number heretofore ordered."

Which was agreed to.

The resolution, as amended, was then adopted.

Mr. Stotsenburg asked and obtained leave to introduce

House bill No. 30. A bill to amend the 78th section of an act entitled "an act to revise, simplify and abridge the rules, practice and forms in criminal actions in the courts of this State," approved June 17, 1852.

Which was read a first time and passed to a second reading.

On motion by Mr. Orr,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
January 15, 1861. }

The House met.

The Journal was read and approved.

Cutler S. Dobbins, Representative from the county of Martin, appeared, presented his credentials, and was sworn into office by the Speaker.

The Speaker laid before the House the following report from the Doorkeeper, in obedience to the resolution of yesterday:

MR. SPEAKER:

I desire to inform the House of Representatives that I have appointed John Johnson Principal Assistant Doorkeeper, and the following Assistants:

Samuel Hazzard, I. N. Johnson, R. A. Vance, and John Campbell. Also, David Harley and B. C. Hays, Firemen; and Erastus Ever-son, Messenger.

That for the present, and until the committees are fully organized, his employees are sufficient for the duties to be performed.

All of which is submitted.

JAMES T. JOHNSTON.

The Speaker laid before the House the following report from the Clerk, in obedience to the resolution of yesterday:

MR. SPEAKER:

I desire to inform the House that I have appointed the following Clerks at the desk, to-wit: N. L. Wilson, J. P. Smith, and Edward J. Robinson; and that I employed the Hon. Charles D. Murray to aid in arranging and footing up the vote for Governor and Lieutenant Governor, which duty he has performed in a most satisfactory manner.

I have not yet been able to organize the engrossing and enrolling departments; and cannot as yet report either the names or numbers of the clerks that may be required therein.

All of which is respectfully submitted.

J. W. GORDON.

The Speaker announced the following select committee under the resolution of Mr. Bundy, on Friday last, on the subject of Federal Relations, to-wit:

Messrs. Bundy, Veatch, Jenkinson, Heffren, Branham, Prosser Grover, Burgess, Newman, Knowlton, McLean, Hurd and Hall.

The Speaker announced the following select committee on the resolution of Mr. Packard, offered yesterday, in relation to foreign and domestic insurance companies:

Messrs. Packard, Hopkins, Lee, Ford and Bryant.

Mr. Frasier asked and obtained leave to introduce

House bill No. 31. A bill to repeal section fifteen of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852; and also to repeal sections 381 and 445 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852; and to provide a uniform rule for the sale of property upon execution and other process.

Which was read a first time, and passed to a second reading.

Mr. Roberts asked and obtained leave to introduce

Joint resolution No. 12. A joint resolution in reference to the American Union.

Which was referred to the Committee of Thirteen.

Mr. Bundy asked and obtained leave to introduce

House bill No. 32. A bill to provide for the rights of married women in cases of the sale of lands on execution, or by virtue of any judicial proceedings, and in all other cases where the wife does not consent to the sale.

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the resolutions of the House to invite the Hon. Abraham Lincoln, President elect of the United States of America, to visit the General Assembly of this State, on his way from his residence to the Federal Capital; and to appoint a committee of seven on the part of the House, and six on the part of the Senate, to jointly confer with Mr Lincoln, by letter or otherwise, and in the event of his acceptance of the invitation, to meet him at the boundary of our State and escort him to the Capital. And that

Senators March, Anthony, Steele, Conner, Line and Hamilton, were appointed said committee on the part of the Senate.

Mr. McLean asked and obtained leave to introduce

House bill No. 33. A bill to perfect the title of purchasers of

railroads sold by foreclosure, or other proceedings in law or equity, or pursuant to the provisions of mortgages or deeds of trust, or by the joint exercise of those authorities, and to enable them to organize corporations, and to exercise corporate and other powers.

Was read a first time.

Mr. McLean moved to suspend the rule and read the bill a second time by its title now.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Dobbins, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Davis, Feagler, Fisher, Gifford, Goar, Grover, Harvey, Hays, Henricks, Holcomb, Hopkins, Jones of Tippecanoe, Kitchen, Lods, Lane, Lee, McLean, Owens, Pitts, Polk, Prosser, Ragan, Robbins, Roberts, Sherman, Smith of Bartholomew, Trier, Thomas, Warrum, Woods—45.

Those who voted in the negative were,

Messrs. Bingham, Black, Boydston, Bundy, Dashiell, Edson, Epperson, Erwin, Ferguson, Fleming, Ford, Fraley, Frasier, Gresham, Hall, Haworth, Heffren, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Wayne, Lightner, McClurg, Moody, Moss, Mutz, Nebeker, Newman, Orr, Packer, Parrett, Prow, Randall, Sloan, Smith of Miami, Stotsenburg, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woodruff—46.

So the rule was not suspended.

Mr. Orr asked and obtained leave to introduce

House bill No. 34. A bill authorizing any or all persons to part combatants and prevent any affray, assault and battery, or other breach of the peace, and prescribing the punishment to any person who will hinder or prevent in any way, any one in separating combatants or in preventing the violation of the peace.

Which was read a first time and passed to a second reading.

Mr. Warrum offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire whether there is now in force in this State any law authorizing slave-

holders to pass through this State with their slaves, and if not that the committee report a bill giving the right of transit and temporary sojourn to slaveholders with their slaves.

Mr. Frasier moved to refer the resolution to the Committee of Thirteen.

Mr. Stotsenburg offered the following amendment: To be inserted after the word "report" "to inquire into the expediency or propriety."

Mr. Prosser moved to amend by referring to a select committee of five.

Mr. Bundy moved to lay the resolution and pending amendments upon the table.

The ayes and noes being demanded,

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiel, Epperson, Erwin, Feagler, Ferguson, Fisher, For-dyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Ha-worth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speak-er—59.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Clark, Collins of Adams, Combs, Cooprider, Davis, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Hol-comb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, Mc-Clurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier, Warrum—38.

So the resolution and amendments were laid on the table.

Mr. Cason asked and obtained leave to introduce

House bill No. 35. A bill to amend section two hundred and

thirty-eight of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleadings and practice without distinction between law and equity, so as to admit parties in civil actions to testify on their own behalf;" approved June 18, 1852.

Which was read a first time and passed to a second reading.

Mr. Gifford asked and obtained leave to present

Joint Resolution No. 13. A joint resolution on the state of the country.

Which was referred to the Committee of Thirteen.

Mr. Moorman offered the following resolutions:

Resolved, That the provisions of the Constitution are ample for the preservation of the Union and protection of all the material interests of the country; that it needs to be obeyed rather than amended, and our release from our present difficulties is to be looked for in strenuous efforts to preserve and protect public property and enforce laws, rather than new guaranties for particular intent, or compromise or concession.

Resolved, That all attempts to dissolve the Union, or overthrow the Constitution, or even to call a convention to amend the Constitution, under the present excitement, are dangerous and illusory, and in the opinion of this House no compromise is practicable, and, therefore, to the maintainance of the existing Union and Constitution should be directed all the energies of the Government.

Which, under the decision of the Speaker, was referred to the Committee of Thirteen.

The Speaker laid before the House the following communication, accompanied by the report of the Trustees of the Wabash and Erie Canal:

TRUSTEES WABASH AND ERIE CANAL, }
TERRE HAUTE, Jan. 8, 1861. }

Hon. C. M. Allen, Speaker of House of Representatives:

SIR—Herewith I have the honor to transmit the Annual Report of the Trustees of the Wabash and Erie Canal, as required by law, and request that the same be laid before the House of Representatives.

Very respectfully, your obedient servant,

THOS. DOWLING, *Resident Trustee.*

On motion by Mr. Branham,

The report was laid on the table, and five hundred copies ordered to be printed for the use of the House.

Mr. Woodhull asked and obtained leave to introduce

House bill No. 36. An act for the relief of the heirs of Michael O'Brien, deceased.

Which was read a first time and passed to a second reading.

Mr. Feagler offered the following preamble and resolution :

WHEREAS, the venerable Colonel John Vawter, the first United States Marshal of the district of Indiana, and a soldier of the war of 1812, and for many years a member of the Legislature of this State, is now in this city, be it therefore

Resolved, That he be invited to a seat inside of this Hall during the time he may choose to remain in this place.

Mr. Heffren moved to amend by inserting in proper place the words "and all soldiers of the war of 1812."

Which was accepted by Mr. Feagler.

Mr. Haworth moved that the resolution be laid on the table.

Which was not agreed to.

Mr. McLean moved the previous question.

Which was seconded by the House.

The question being, shall the main question be now put.

It was so ordered.

The question being on the adoption of the resolution.

It was agreed to.

On motion,

Mr. Stevenson was granted leave of absence.

Mr. Edson asked and obtained leave to introduce

House bill No. 37. A bill to amend section 5 of "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors."

cating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859, and to allow the Board of Commissioners to make appropriations for school house sites, and for the erection and repair of school houses.

Which was read a first time and passed to a second reading.

Committee on stationery, through Mr. Jones, of Vermillion, chairman, made the following report:

MR. SPEAKER:

I have been directed by the Committee on Stationery to report to the House that they have procured \$2 97 worth of stamps for each member of this House; that they called upon the Treasurer of State, and he had no gold or silver, and paid over to the Committee \$300 in paper currency, and your Committee had to pay one per cent. for gold, as the postoffice department would not take paper currency for stamps; hence each member will be minus one three cent stamp.

The report of the Committee was concurred in by the House.

On motion by Mr. Woodhull,

Resolved, That the Auditor of State be hereby requested to send to the several county auditors of this State, immediately, for a statement of the whole amount for which warrants or orders were drawn on the treasury of their respective counties in favor of said auditors for official service rendered by them, beginning June 1st, 1859, and ending June 1st, 1860; and that they certify the same officially to the Auditor of State, who shall report the same to this House.

Mr. Brucker asked and obtained leave to introduce

House bill No. 38. A bill entitled "a bill to amend section 2, 4, 5, 6, 8 and 11, of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties thereof," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Heffren offered the followed resolution, which was adopted:

Resolved, That the Doorkeeper be directed to distribute the postage stamps, and place the same upon the desks of members.

Mr. Gresham asked and obtained leave to introduce

Joint resolution No 14. A joint resolution on the State of the Union.

Which was referred to the Committee of Thirteen.

Mr. Packard asked and obtained leave to introduce

Joint resolution No. 15. A joint resolution on the State of the Union.

Which was referred to the Committee of Thirteen.

Mr. Robbins, from the Select Committee on the subject of subscribing for newspapers, made the following report:

Your committee, to whom was referred the resolutions providing for the taking the several papers of the city, have had the same under consideration, and have directed me to report the following:

That the Doorkeeper be authorized to procure three copies of the Daily Journal and Daily Sentinel, two of which shall be enveloped and stamped, also one copy of the Volksblott and one Free Press, both to be enveloped and stamped; also one copy of the Weekly American, all to be placed upon the desk of each member of the House.

All of which is respectfully submitted.

Mr. Heffren moved to amend the report by striking out the Indiana Free Press.

Mr. Fisher moved to amend by striking out all but the Indiana State Journal and Sentinel.

On motion by Mr. Branham,
The House adjourned until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

Pending the adjournment, was the motion of Mr. Fisher to amend the report of the select committee on newspapers, by striking out all but State Journal and Sentinel.

Mr. Cameron moved to amend so as to read, "two copies of the Free Press and two copies of the Volksblott, in wrappers and stamps for mailing."

Mr. Moody moved the previous question,

Which was seconded by the House.

The question being,
Shall the main question be now put?
It was so ordered.

The question being on concurring in the report of the committee,

Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Dobbins, Collins of Whitley, Combs, Dashiel, Edson, Epperson, Erwin, Feagler, Fraley, Frasier, Goar, Gresham, Grover, Hall, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Parrett, Pitts, Ragan, Randall, Sherman, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Atkinson, Black, Campbell, Collins of Adams, Coopridger, Crain, Davis, Ferguson, Fisher, Fleming, Ford, Gifford, Harvey, Haworth, Hayes, Heffren, Howard, Kitchen, Lods, Lane, Mutz, Owens, Packard, Polk, Prosser, Prow, Robbins, Roberts, Sloan, Stotsenburg, Turner and Warrum—32.

So the report was concurred in.

The Speaker laid before the House the following communications from the President and Directors of the Bank of the State of Indiana, with accompanying reports :

BANK OF THE STATE OF INDIANA.

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR—Herewith I have the honor to present to you the annual report of this Bank, which please to lay before the House of Representatives. I also transmit reports of Branches of the Bank.

I am, very respectfully,

H. McCULLOCH, *President.*

BRANCH BANK OF THE STATE OF INDIANA, }
Madison, 17th November, 1860. }

To the Speaker of the House of Representatives of the State of Indiana:

SIR—The enclosed report of the condition of this Branch, at the close of banking hours on the third Saturday of November, 1860, is submitted in compliance with the 60th section of the Charter.

The officers of this Bank are,

Thomas H. Sharpe, President,	compensation.....	\$1,200	per annum
Geo. D. Fitzhugh, Cashier,	"	1,500	"
Mark Felton, Teller,	"	1,000	"
W. B. Thurston, Book-keeper,	"	1,000	"
Henry C. Sampson, Messenger,	"	300	"

Respectfully,

G. D. FITZHUGH, *Cashier.**To the General Assembly of the State of Indiana:*

The undersigned, in obedience to law, submits the following report of the affairs and business of the Branch of the Bank of the State of Indiana at Lima, as found on the third Saturday in November, A. D. 1860, at 2 o'clock P. M. of said day.

The amount of available funds on hand is as follows:

Notes of this branch.....	\$4,130 00
Notes of other banks.....	8,059 56
Gold and silver.....	99,042 62
	<hr/>
	\$111,242 18
Amount of notes discounted.....	194,346 51
Amount of bills discounted.....	161,728 00
Amount of surplus fund.....	35,764 32
Amount of notes in circulation....	295,870 00

Number of officers, and amount of compensation to each,

President, salary.....	\$800 00	per annum	
Cashier, "	1,200 00	"	
Attorney, "	250 00	"	
Clerk, "	400 00	"	
			2,650 00
Value of banking house.....			3,788 59
Value of real estate.....			3,000 00

A part of which has been offered at public auction and a part contracted for at private sale.

Amount due from banks.....	\$58,595 62	
Amount due to banks.....	23 92	
		\$58,364 10

Respectfully,

JAMES B. HOWE, *Cashier.*

On motion by Mr. Branham,

The reports were laid on the table, and two hundred copies ordered to be printed.

On motion by Mr. Bundy,

Resolved, That the principal and assistant Clerk be allowed each three dollars' worth of postage stamps, and that the door keeper be instructed to place the same upon their respective desks.

Mr. Nebeker asked and obtained leave to introduce

House bill No. 39. A bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith.

Which was read a first time, and passed to a second reading.

On motion by Mr. Heffren,

The Standing Rules of the House were taken from the table.

Mr. Heffren moved to adopt the rules by sections.

Mr. Gresham moved to adopt the rules as a whole.

Mr. Branham moved to amend the amendment, by adopting the

rules as a whole, except the third clause of the sixteenth section, and that it be recommitted to the Committee on Rules.

Which was agreed to.

The motion as amended was then agreed to.

Mr. McClurg asked and obtained leave to introduce

House bill No. 40. A bill to amend the third section of an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time, and passed to a second reading.

Mr. Newman asked and obtained leave to introduce

House bill No. 41. A bill to amend the 12th section of an act entitled "an act to authorize the construction of levees and drains," approved June 12, 1852.

Which was read a first time and passed to a second reading.

Mr. Holcomb asked and obtained leave to introduce

House bill No. 42. A bill to authorize the Gibson county Circuit Court to hear testimony and make a decree in reference to the erection and sale of the county Seminary of said county.

Which was read a first time and passed to a second reading.

Mr. Horton offered the following resolution, which was laid upon the table:

Resolved, That the expenses to be incurred by the Joint Committee appointed to wait upon Abraham Lincoln and escort him to the Capital, shall not be paid out of the State Treasury.

On motion by Mr. Bundy,
The resolution was laid on the table.

Mr. Williams asked and obtained leave to introduce

House bill No. 43. A bill to repeal an act entitled "an act regulating the license of pilots at the falls of Ohio, requiring bond and security of such pilots, prohibiting any unlicensed persons from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their license," approved June 15, 1852;

also to repeal an act amendatory thereof, entitled "an act to amend section third of the above entitled act," approved December 22, 1858.

Which was read a first time and passed to a second reading.

Mr. McLean asked and obtained leave to introduce

House bill No. 44. A bill to amend the first section of an act, entitled "An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual places of residence and gone to parts unknown," approved March 5, 1859.

Which was read a first time and passed to a second reading.

On motion by Mr. Hayes,

Resolved, (The Senate concurring therein,) that a joint committee of seven be appointed, four on the part of the House and three on the part of the Senate, whose duty it shall be to report a bill apportioning the State of Indiana, for Senatorial and Representative purposes for the next six years.

The Speaker laid before the House the following communication from the Doorkeeper:

MR. SPEAKER:

I desire you to state to the House of Representatives that I have procured the flag ordered by this House, and will probably be prepared to raise the same at 2½ o'clock Friday next, and ask that a committee of three be appointed to make suitable arrangements therefor.

JAMES T. JOHNSTON.

The Speaker laid before the House the following communication from the President of the Board of Commissioners on Benevolent Institutions:

INDIANAPOLIS, January 15, 1861.

HON. C. M. ALLEN,

Speaker of the House of Representatives:

DEAR SIR:—I this day lay before the Honorable Body, over which you preside, a report for the past year (1860) of each of the Benevolent Institutions, to-wit, the Hospital for the Insane, the Institutes for the Education of the Deaf and Dumb and the Blind, and most

respectfully call the attention of Representatives to the subject matter of each report.

Very respectfully,

W. H. TALBOTT,

President Board of Commissioners.

On motion by Mr. Gresham,

The House adjourned till to-morrow morning 9 o'clock.

WEDNESDAY MORNING, }
January 16, 1861. }

The House met pursuant to adjournment.

The Journal was read and approved.

On motion by Mr. Bundy,

Resolved, That the Senate be invited to meet this House in Joint Convention this day at 2 o'clock, P. M., for the purpose of electing a United States Senator, and that seats be prepared for them on the right of the Speaker's chair.

On motion by Mr. Dobbins,

Resolved, That the Auditor of State be instructed to report to this House, at as early a day as convenient, a statement showing as near as possible the amount, if any, of the three per cent. fund due to the State of Indiana from the General Government; and also the amount of said fund that has been distributed to the various counties of this State from 1847 to 1861.

On motion by Mr. Crain,

Resolved, That the thanks of this House be tendered to the Honorable Samuel E. Perkins, one of the Judges of the Supreme Court, for administering the oath of office to the Governor, Lieutenant Governor, and members of the House of Representatives.

Mr. Williams asked and obtained leave to introduce

House bill No. 45. A bill to regulate insurance companies not incorporated by the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Heffren moved that the concurrent resolution in relation to re-districting the State for Senatorial and Representative purposes, offered by Mr. Hayes yesterday, be recalled from the Senate.

Which was agreed to.

r. Heffren moved to amend the resolution, by inserting "one member from each Congressional District."

Which was agreed to.

The Speaker appointed the following select committee to superintend the raising of the National Flag upon the Capitol, to-wit,

Messrs. Heffren, Bryan, and Veatch.

The Speaker announced the following

ORDER OF BUSINESS.

I. Reading of the Journal.

II. Petitions, Memorials and Remonstrances.

III. Reports from Standing Committees.

1. On Elections.
2. On Judiciary.
3. On Ways and Means.
4. On Banks.
5. On Education.
6. On the Organization of Courts of Justice.
7. On the Affairs of the State Prison.
8. On Swamp Lands.
9. On Claims.
10. On Trust Funds.
11. On Military Affairs.
12. On Fees and Salaries.
13. On the Sinking Fund.
14. On the Rights and Privileges of the Inhabitants of the State.
15. On Roads.
16. On Manufactures and Commerce.

17. On County and Township Business.
18. On Agriculture.
19. On Benevolent Institutions.
20. On Temperance.
21. On the Affairs of the Town of Indianapolis.
22. On Mileage.
23. On Enrolled Bills.
24. On Engrossed Bills.
25. On Canals.
26. On Public Expenditures.
27. On Corporations.
28. On Federal Relations.

IV. Reports from Joint Standing Committees.

1. On Public Buildings.
2. On State Library.
3. On Canal Fund.

V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Introduction of Bills.

IX. Orders of the Day.

Mr. McLean moved to suspend the order of business and take up House bills on second reading.

Mr. Packard moved to lay the motion on the table.
Which was agreed to.

ORDERS OF THE DAY.

Resolutions.

On motion by Mr. Frasier,

Resolved, That the Treasurer of State be, and he is hereby, requested to make a report to this House, at as early a day as practicable, of the amount of all sums of money by him paid out of the funds belonging to the State, or to the public treasury, not appropriated by law, specifically setting forth in said report to whom such

payment or payments, or disbursements, if any, have been made, and for what purpose or purposes, and under what authority.

On motion by Mr. Orr,

Resolved, That the Doorkeeper of the House be instructed to place in, or fix to, the beak of the eagle, now surmounting the clock in the rear of the Speaker's chair, a scroll bearing our national motto, "E Pluribus Unum."

On motion by Mr. Haworth,

Resolved, That the Committee on the Judiciary be instructed to inquire into the constitutionality of enacting a law providing that persons residing along a proposed turnpike or plank road routes may, by a vote of a majority of such persons, levy a tax on the real estate within the bounds of said route, for the purpose of constructing said road.

Mr. Woods moved that Messrs. Hurd and Kendrick be added to the select committee on Northern Penitentiary.

Mr. Orr moved to lay the motion on the table.
Which was agreed to.

On motion by Mr. Warrum,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency, in all civil cases appealed from the judgment of Justices of the Peace, to the Circuit or Common Pleas Courts, of requiring the same to be decided on the papers, and evidence reduced to writing on the trial before the Justice, and report by bill or otherwise.

Mr. Randall offered the following resolution:

Resolved, That a committee of three members of this House be appointed by the Speaker, whose duty it shall be to inquire into the present prices paid the State Printer for work, and if, in the judgment of said committee, the rates now paid be too high, that they so arrange the same as that justice will be done the State, as well as the person doing the work.

On motion by Mr. Fisher,

The resolution and whole subject was referred to the Committee on Printing.

On motion by Mr. Prosser,

Resolved, That the Doorkeeper be instructed to procure a set of scales, and a list of prices of postage, for the use of the stationery room.

On motion by Mr. Coopridger,

Resolved, That the Committee on Education be instructed to inquire into and ascertain whether there is any law authorizing the loaning of, or distributing the school fund arising from estates without heirs, and if not, to amend the school law so as to authorize the loaning of the principal and distributing of the interest, as other school funds are distributed, and report by bill or otherwise.

On motion by Mr. Dobbins,

Resolved, That the committee on the rights and privileges of the inhabitants of the State, be instructed to inquire into the expediency,

First—Of so amending the law in reference to stock killed by the cars and locomotives of the various railroads in this State, so as to compel the owners of said railroad companies, under proper penalties, to deposit bonds and securities in any sum not more than fifty thousand, nor less than ten thousand dollars, with the Auditors of the counties in which the principal officers of said railroad companies are established; said bonds and securities to be approved by said Auditors.

Second—That in case said railroad companies fail to fence their roads as required by law, or fail to pay a just and reasonable valuation for the stock killed by them, that then the owners of said stock so killed, shall have a lien upon said securities for the damages thereof; that in case they fail to collect said damages by the execution and sale of other property belonging to said railroad companies, that they then have recourse upon said securities for said damage.

Third—Providing that the Ohio and Mississippi Railroad Company, having no principal office within this State, be compelled to deposit securities with the Auditor of Knox county, under the same penalties and restrictions, and subject to the same liens, as required by railroad companies having their principal office within this State.

Mr Nebeker moved to reconsider the vote adopting the resolution requiring the Doorkeeper to lay Cushing's Manual on the desks of members.

Which was not agreed to.

On motion by Mr. Hurd,

Resolved, That no committee of this House shall employ a clerk

at the expense of the State without being provided and authorized by resolution of the House.

Mr. Robbins offered the following resolution :

Resolved, That the Doorkeeper of the House be instructed to so mark the various enveloped papers taken by the House that members shall be able to know the name and politics of each paper received by him. For instance, put upon the Sentinel the letter S, upon the Journal the letter J, upon the American the letter A, upon the Volksblott the letter V, and upon the Free Press the letter P, or any other mark that may answer the same purpose.

On motion by Mr. Cameron,
The resolution was laid on the table.

On motion by Mr. Bundy,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of so amending the law regulating the jurisdiction of Courts as to provide that Courts of Common Pleas shall have exclusive jurisdiction of all crimes and misdemeanors, except such as are by law given to Justices of the Peace, and that they report by bill or otherwise.

On motion by Mr. Owens,

Resolved, That the Committee on County and Township Business be instructed to inquire into the expediency of changing the law so as to require the jails of the several counties of this State to be kept by the Coroners, instead of the Sheriffs of the counties, and that said Committee report by bill or otherwise.

On motion by Mr. McClurg,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency and constitutionality of granting to county commissioners in the several counties of the State the power to levy a tax within their respective counties for the benefit of public improvements within the same.

On motion by Mr. Woods,

Resolved, That the Committee on Education inquire into the expediency of so increasing the levy for school purposes on the taxable property of this State as will insure an amount sufficient to pay the

expenses of a school for at least six months duration in each year, and report by bill or otherwise.

On motion by Mr. Warrum,

Resolved, That the Committee on Roads be instructed to inquire into the propriety of making it the duty of supervisors of roads to clear out the obstructions in rivers and water courses running through their districts, and report by bill or otherwise.

On motion by Mr. Veatch,

Resolved, That the Committee on Roads be instructed to inquire into the expediency of amending the road laws so that no person shall be required to work upon the public highway more than two days in each year, and to provide for keeping the public highway in good repair by a tax on all the property of each township.

On motion by Mr. Woodruff,

Resolved, That the Committee on Roads and Highways inquire into the expediency of so amending the law providing for the election of supervisors as to require all supervisors to execute a bond with sufficient surety for the faithful performance of their duties.

On motion by Mr. Lane,

Resolved, That the Committee on Public Printing be required to report at the earliest possible period.

On motion by Mr. Turner,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the Practice act as that bills of exception shall no longer be signed in vacation, or of so modifying that privilege as that the opposite party shall have notice of the time and place of tendering such bill to the Judge.

On motion by Mr. Heffren,

Resolved, That the Stationery Committee be directed to procure the Doorkeeper of this House three dollars worth of postage stamps.

Mr. Polk offered the following resolution:

Resolved, That the Committee on Federal Relations be instructed

to inquire into, and report at an early day, the expediency or propriety of the General Assembly of the State of Indiana recommending a convention of the border slave and free States, to meet at Louisville, Kentucky, or some other convenient point, not later than the 22d day of February next, and to send delegates thereto, for the purpose of considering the state of the Union, and consulting the best interest of the border States and of the State of Indiana on the present crisis, who shall report to this body before adjournment.

Which was referred to the Committee of Thirteen.

Mr. Moody offered the following resolution :

Resolved, That the Committee on Military Affairs be instructed to report a bill providing for an immediate enrollment of the militia of this State.

Mr. Stotsenburg moved to amend by inserting "to inquire into the expediency or propriety of so reporting a bill."

Which was agreed to.

So the resolution as amended was adopted.

On motion by Mr. Heffren,

Resolved, That the Doorkeeper employ some suitable person to convey the mail matter of members to the postoffice.

Mr. Smith offered the following resolution, which was not agreed to:

Resolved, That in the opinion of this House, there have been more resolutions already offered in regard to inquiring into the expediency of reporting bills relative thereto, than will be reported upon during the time we are limited to sit here.

BILLS INTRODUCED.

By Mr. Grover,

House bill No. 46. A bill to legalize the acts and proceedings of certain special terms of the Circuit Court.

Which was read a first time and passed to a second reading.

By Mr. Collins, of Adams,

House bill No. 47. An act supplemental to an act, entitled "An act regarding estrays and articles adrift," approved June 16, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Black,

House bill No. 48. A bill to amend the 29th section of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers thereto," approved March 5th, 1859. Which was read a first time, and passed to a second reading.

By Mr. Warrum,

House bill No. 49. An act to prevent hogs running at large without a ring in the nose. Which was read a first time, and passed to a second reading.

By Mr. Cameron,

House bill No. 50. A bill to repeal an act, entitled "An act to provide for the return of the jury, in the Common Pleas Court, at the third day of the term," approved March 5th, 1859. Which was read a first time, and passed to a second reading.

By Mr. Jones, of Vermillion,

House bill No. 51. A bill to fix the times for holding the Circuit Courts of the Eighth Judicial Circuit, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

By Mr. Collins, of Whitley,

House bill No. 52. A bill to authorize Justices of the Peace to administer any oath required by law.

Which was read a first time, and passed to a second reading.

By Mr. Gresham,

House bill No. 53. A bill to amend the 6th section of an act, entitled "An act to revise, simplify and abridge the Rules, Practice, Pleading and Forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Orr,

House bill No. 54. A bill to repeal the one hundred and thirteenth

and one hundred and seventeenth sections of an act, entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof," approved March 1, 1855.

Which was read a first time and passed to a second reading.

By Mr. Ferguson,

House bill No. 55. A bill to provide for the fencing across county and township roads, and to provide other remedies.

Which was read a first time and passed to a second reading.

By Mr. Heffren,

House bill No. 56. An act to repeal an act prescribing the duties and fixing the compensation of State Agent.

Which was read a first time and passed to a second reading.

Mr. Holcomb moved to suspend the order of business, and take up

House bill No. 12. A bill to amend the 3d section of an act, entitled an act to amend the 3d section of an act entitled "An act to establish a Court of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof.

Which was agreed to, and read a second time, and was,

On motion,

Referred to a select committee of four.

Messrs. Edson, Hopkins, Hawkins and Kitchen were appointed said committee.

On motion by Mr. Bundy,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Heffren, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, appointed to make arrangements in regard to the hoisting of the American Flag upon the dome of the Capitol, would report that they have attended to that duty; that the various military and fire companies of the city will attend the ceremony of the raising of said flag on Tuesday next at 2½ o'clock, P. M., when a National Salute will be fired.

Mr. Nebeker, by unanimous consent, offered the following resolution:

Resolved, That, the Senate concurring, the General Assembly will now proceed to the election of a United States Senator by concurrent vote of the two Houses.

Mr. Fisher moved that the further consideration of the resolution be postponed until 3 o'clock.

Which was not agreed to.

The question then being on the adoption of the resolution,
It was agreed to.

Mr. Dobbins moved that the House proceed to the regular order of business.

Which was not agreed to.

Message from the Senate by Mr. Tyner their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolutions thereof:

Resolved, That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed, immediately thereupon, to choose a person to represent this State in the Senate of the United States for six years from and after the fourth day of March next.

Second. That the person who shall receive a majority of the votes given in both Houses, shall be declared duly elected to serve as such Senator.

Third. The President and Secretary of the Senate, and the Speaker and Clerk of the House of Representatives shall, immedi-

ately on the choice as herein provided for by their respective Houses, certify the same to the Governor, who shall commission the person so chosen as such Senator.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Heffren,

The foregoing message and concurrent resolutions were taken from the table and read by the Clerk.

The question being on concurring in the resolutions, the ayes and noes were taken.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridier, Crain, Dashiel, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Henrieks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—83.

Those who voted in the negative were,

Messrs. Collins of Adams, Dobbins, Edson, Horton, Knowlton, Mutz, Packard, Roberts and Warrum—9.

So the resolutions were concurred in.

Ordered, That the Clerk inform the Senate thereof.

Pursuant to the provisions of the concurrent resolution just concurred in, the House proceeded to choose a United States Senator by a *viva voce* vote, to serve as such for six years from the fourth day of March, 1861.

Mr. Bundy nominated Hon. Henry S. Lane.

Mr. Stotsenburg nominated Hon. Joseph A. Wright.

Those who voted for Henry S. Lane were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Williams, Woodhull, Woodruff, Woods, and Mr. Speaker—61.

Those who voted for Joseph A. Wright were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren,
Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser,
Prow, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier,
and Warrum—37.

Henry S. Lane, having received a majority of all the votes of the members of the House of Representatives of the General Assembly of the State of Indiana, was declared by the Speaker of the House duly elected, on the part of the House of Representatives, United States Senator, from the State of Indiana, to serve as such until the fourth of March, 1867.

On motion by Mr. Cameron,

Resolved, That the Clerk inform the Senate that, in pursuance of joint resolution of both Houses, the House has, by a *viva voce* vote, elected Henry S. Lane United States Senator, from the 4th day of March, 1861, to the 4th day of March, 1867, a term of six years.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has, in compliance with the concurrent resolution of the Senate recently reported to the House, by a *viva voce* vote, elected Henry S. Lane United States Senator for the State of Indiana, to serve as such for six years from and after the 4th day of March, A. D. 1861.

The Speaker laid before the House the following communication from his Excellency, the Governor :

To the HON. C. M. ALLEN,

Speaker of the House of Representatives of the State of Indiana:

Please present this communication to the Honorable Body over which you preside.

To the General Assembly of the State of Indiana:

Having been elected to the Senate of the United States by your Honorable Body, for the term of six years, commencing on the 5th of March, 1861, I hereby resign the office of Governor of the State of Indiana, the resignation to take effect on the receipt of this communication. In tendering to you my resignation, I desire, through you, to return to the people of Indiana my heartfelt gratitude and sincere thanks, for the honor conferred upon me in elevating me to the high and responsible office of Governor of the great State of Indiana, and also to assure them that nothing but a strong sense of public duty could have induced me to tender this resignation.

The House of Representatives will please enter this letter upon their journals.

H. S. LANE.

On motion by Mr. Bundy,

Resolved, That the Senate be invited to attend in the Hall of this House, *instantly*, to witness the ceremony of administering the oath of office to the Hon. Oliver P. Morton, the Lieutenant-Governor, who, in consequence of the resignation of Governor Lane, has become Governor of the State of Indiana, and that seats be provided for them on the right of the Speaker's chair.

The Senate then, in pursuance of the invitation of the House, came into the Hall of the House, preceded by the President of the Senate,

When the Joint Convention was called to order by the President of the Senate.

Oliver P. Morton was then sworn into office by the Hon. Samuel E. Perkins, one of the Judges of the Supreme Court, and delivered the following address:

Gentlemen of the Senate:

I beg leave to return you my thanks for the courtesy and kindness extended to me during our very brief official intercourse. That intercourse was just long enough to exhibit, on my part, the awkwardness of the novice, without the improvement and facility resulting only from experience. In the new position in which I am placed, I

trust that our relations, both social and official, may continue satisfactory and pleasant.

Gentlemen of the Senate and House of Representatives:

Called by the Constitution to perform the duties of the office of Governor, it will not be expected, under the circumstances, that I should deliver a formal inaugural address. I can only pledge myself to you, and through you to the people of Indiana, to the extent of my ability, a faithful and economical administration; to take care that the laws be enforced; and to resist extravagance and speculation, come in what form they may.

The financial affairs of our State are in great confusion and embarrassment. It will be among your first duties carefully to investigate their condition, which, having done, you will then be able to devise the necessary remedies, and apply them as far as may be in your power. The people of this State have been promised retrenchment and reform. That promise *can and must be redeemed*.

The times in which we are called to act are full of gloomy portents, counseling us to discretion, moderation and firmness, and I shall gladly co-operate with you in all measures having for their purpose the prosperity and well-being of our beloved commonwealth, and the preservation of the glorious and precious Union of these States.

The Senators then retired to their chamber.

ORDERS OF THE DAY.

Bills Introduced.

By Mr. Wells.

House bill No. 57. A bill to amend the 1st, 2d, 3d, 5th and sixth sections of an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation.

Which was read a first time, and passed to a second reading.

By Mr. Cameron.

House bill No. 58. A bill to repeal an act entitled "an act to amend section forty-two of an act entitled an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof," approved March 5, 1859.

Which was read a first time and passed to a second reading.

On motion by Mr. Haworth,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 17, 1861. }

The House met, pursuant to adjournment.

The Journal was read and approved.

By unanimous consent of the House, Mr. Robbins was permitted to record his vote in favor of Joseph A. Wright for United States Senator, as of yesterday.

By unanimous consent of the House, Mr. Williams was allowed to record his vote in favor of the Hon. Henry S. Lane for United States Senator as of yesterday.

The Speaker announced the following Standing Committees:

Committee on Elections.

Messrs. Ragan, Lightner, Pitts, Lods, Campbell, Feagler and Henricks.

Committee on Judiciary.

Messrs. Veatch, Bundy, Edson, Cason, Bingham, Jenkinson and Woodhull.

Committee on Ways and Means.

Messrs. Branham, Fisher, Hefiren, Jones of Wayne, Sherman, Fordyce and Gifford.

Committee on Banks.

Messrs. Fisher, Hopkins, Nebeker, Crain, Veatch, Owens and Trier.

Committee on Education.

Messrs. Grover, Lane, Orr, Collins of Adams, Veatch, Holcomb and Moss.

Committee on Organization of Courts.

Messrs. Bingham, Newman, McLean, McClurg, Parrett, Jones of Tippecanoe, and Stotsenburg.

Committee on State Prison.

Messrs. Jones of Vermillion, Grover, Bryant, Brucker, Horton, Dobbins, Owens, and Collins of Whitley.

Committee on Swamp Lands.

Messrs. Moody, Bryant, Brett, Goar, Randall, Sherman and Dobbins.

Committee on Claims.

Messrs. Sloan, Brucker, Boydston, Dobbins, Stevenson, Black and Atkinson.

Committee on Military Affairs.

Messrs. Gresham, Burgess, Moody, Roberts, Prosser, Cameron and Jones of Vermillion.

Committee on Rights and Privileges.

Messrs. Orr, Hurd, Smith of Bartholomew, Lee, McClurg, Prosser and Sherman.

Committee on Roads.

Messrs. Wells, Hall, Holcomb, Fleming, Epperson, Randall and Prow.

Committee on Manufactures and Commerce.

Messrs. Burgess, Dobbins, Dashiell, Orr, Moss, Wilson and Stevenson.

Committee on County and Township Business.

Messrs. Frasier, Grover, Brett, Jones of Wayne, Lane, Ford and Wilson.

Committee on Agriculture.

Messrs. Thompson, Moorman, Harvey, Hudson, Davis, Turner and Collins of Adams.

Committee on Benevolent Institutions.

Messrs. Cameron, Kendrick, Woodruff, Branham, Heffren, Packard and Lee.

Committee on Temperance.

Messrs. Jones of Tippecanoe, Wells, Turner, Prosser, Atkinson, Parrett and Frasier.

Committee on the Affairs of the Town of Indianapolis.

Messrs Kendrick, Ferguson, Warrum, Goar, Polk, Hayes and Underwood.

Committee on Enrolled Bills.

Messrs. McLean, Frasier, Orr, Horton, Williams, Nebeker and Thomas.

Committee on Engrossed Bills.

Messrs. Anderson, Woodruff, Mutz, McClurg, Kitchen, Thompson and Jones of Wayne.

Committee on Canals.

Messrs. Hopkins, Brett, Lee, Fraley, Ragan, Bryan and Howard.

Committee on Public Expenditures.

Messrs. Nebeker, Sherman, Smith of Bartholomew, Knowlton, Lane, Woods and Robbins.

Committee on Corporations.

Messrs. Parrett, Hurd, Ford, Combs, Collins of Whitley, Erwin and Epperson.

Committee on Federal Relations.

Messrs. Bundy, Gresham, Jones of Vermillion, Parrett, Newman, Ford and McLean.

On motion by Mr. Branham,

Two hundred copies were ordered to be printed.

On motion by Mr. Veatch,

The Committee on the Judiciary was increased to the number of nine.

The Speaker laid before the House the following communication from the State Librarian, with the accompanying documents:

MR. SPEAKER:

In accordance with an act of the Legislature, requiring the State Librarian to report to the General Assembly the condition of the State Library, and his transactions therewith, I have the honor to submit the following:

When I entered upon the duties of my office, at the expiration of Mr. Lyons' term of office, the Library was in a bad condition, especially the Law Department, in which there was not a single complete set of Supreme Court Reports of any one State, but a few volumes of each State.

So far as has been in my power, I have filled up the broken sets of Reports by exchange and purchase. I have made every possible effort to obtain the missing volumes of these Reports, but I find many of them are out of print. However, I have placed a list of the books wanted to complete the sets in the hands of Messrs. Banks & Bro., New York city, who will furnish them as soon as they can be obtained.

The Law Department I thought to be the most important branch of the State Library, and nearly all the money that has been expended for the Library has been for that department. It is now nearly complete for the necessary demands of the bar of Indiana.

It consists of Text-Books, Reports of the different Courts in the United States and England, Statutes and Digests.

Of the Text-Books there are about four hundred volumes.

Of Reports of different Courts, fifteen hundred volumes.

Digest of Reports, one hundred volumes.

Of Revised Statutes and Statute Laws of different States, fifteen hundred volumes.

The following are the number of volumes of Supreme Court, United States Circuit Court, and English Reports:

From Alabama, 30 volumes.
 From Arkansas, 19 volumes.
 From California, 12 volumes.
 From Connecticut, 25 volumes.
 From Delaware, 5 volumes.
 From Florida, 7 volumes.
 From Georgia, 24 volumes.
 From Indiana, 21 volumes.
 Duplicates of Indiana, 1,000 volumes.
 From Illinois, 22 volumes.
 From Iowa, 14 volumes.
 From Kentucky, 49 volumes.
 From Louisiana, 14 volumes.
 From Maine, 45 volumes.
 From Maryland, 47 volumes.
 From Massachusetts, 75 volumes.
 From Michigan, 9 volumes.
 From Mississippi, 33 volumes.
 From Missouri, 28 volumes.
 From New Hampshire, 38 volumes.
 From New Jersey, 20 volumes.
 From New York, 185 volumes.
 From North Carolina, 39 volumes.
 From Ohio, 29 volumes.
 From Pennsylvania, 84 volumes.
 From Rhode Island, 6 volumes.
 From South Carolina, 50 volumes.
 From Tennessee, 18 volumes.
 From Texas, 21 volumes.
 From Virginia, 44 volumes.
 From Wisconsin, 12 volumes.
 United States Circuit Court Reports, 126 volumes.
 English Reports, 360 volumes.
 Total number of American Reports, 1,272 volumes.
 Total number of English Reports, 360 volumes.
 Total number of American and English Digests, 100 volumes.
 Total number of Statutes and Laws of Indiana, 3,000 volumes.

I have also added a few volumes of Medical Works. (See Exhibit A.) These were purchased in New York when I went there to fill up the broken lists of Law Books, both classes being obtained at a better discount than I could have succeeded in getting in the West.

The last Legislature made a very liberal appropriation for the Library, and by such means I have been enabled to make the necessary and most important additions thereto. The appropriation was \$1,500 per year; the standing appropriation being \$400 per year, making \$3,800 for the two years. The catalogue arranged by me during the last session of the Legislature, shows only 14,690 volumes, which, however, did not contain all the Indiana documents. I have

again carefully counted all the books on the shelves, and find that we now have 29,146 volumes, the second largest State Library in the Union, next to that of New York.

I have made but few additions to the miscellaneous department. By reference to exhibit "A," it will be seen what books have been added to the Statd Library during my term of office.

There has been expended for books, binding and other expenses that were unavoidable, the sum of \$2,476.92, leaving a balance in the Treasury in favor of the State Library of \$1,324.08. (See exhibits B. and C.)

STATE HOUSE.

I have taken the responsibility to have the State House repaired, which was necessary for the protection of the building, and the health of its members. The repairing I was compelled to have done, in order to save the Library, if not the building itself. The foundation, however, is as good as when built.

The attention of the Legislature is directed to R. W. & A. L. McOuat's bill (See exhibit C.) for roofing the State House. The price agreed upon was \$10.00 per square, for the best block tin, and Messrs. McOuat were to wait eighteen months for their money, or until the present session of the Legislature should make an appropriation for the same. The roofing could have been done for \$9.50 per square, had the payment been made at the time the work was finished.

The attention of the Legislature is also directed to the painter's and plasterer's bills. (See exhibit C.)

There seems to be a difference between the Auditor's account and my own, which I account for in this way. I entered upon my duty as State Librarian on the 18th day of January, 1859, and the Auditor's report is from November 1st, 1858, thereby taking in three months of my predecessor's, Mr. Lyons' administration. Whenever a bill was certified by me, it was entered on my books, which the vouchers in the Auditor's office will show.

The appropriation was \$1,000 per year, which my account shows is overdrawn by \$45.16, and a great amount of that was contracted for before I came into office, over \$300 of the amount which I certified to.

If the State Library continues to increase as it has the last two years, the rooms will soon be filled to their utmost capacity.

But, however soon that may be, I have no doubt but what the Legislature of this great State will provide ample room for the accumulation of human thought and action.

The books that have been received since the 1st of November, 1860, do not appear in my report, which is made up to the first of that month, the same as with the report of the Auditor.

Of the Indiana Reports I have sold fourteen volumes, the amount for which I have in my possession.

The following exhibits accompany this report:

“A.” A list of books received into the State Library during my office.

“B.” An account of the expenses of the State Library.

“C.” An account of the expenses of the State House.

All of which is respectfully submitted,

JAMES. R. BRYANT, *State Librarian.*

On motion by Mr. Bundy,

The communication and report were laid on the table, and 200 copies ordered to be printed. •

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Newman,

A petition from sundry citizens of Wayne county, on the subject of the protection of wild game.

Which,

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Howard,

A petition from sundry citizens of Clark county, on the subject of lunatics.

Which,

On motion,

Was referred to the Committee on Benevolent Institutions.

By Mr. Kendrick,

A memorial in relation to manual labor schools.

Which,

On motion,

Was referred to the Committee on Ways and Means.

By Mr. Veatch,

A petition from James Reynolds and sundry other citizens of Spencer county, on the subject of protection to sheep.

Which,

On motion,

Was referred to the Committee on Agriculture.

REPORTS FROM SELECT COMMITTEES.

Mr. Holcomb, from the select committee to whom was referred House bill No. 12, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 12: A bill to change the time of holding the Common Pleas Court in Gibson county, have had the same under consideration, and have instructed me to report the same back, with the request that it be laid on the table, and present the accompanying bill in lieu thereof, and recommend its passage:

House bill No. 59. A bill to amend section first of an act entitled "an act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent herewith," approved March 5, 1859.

The report was concurred in, and House bill No. 12 was laid on the table.

House bill No. 59 was read a first time.

Mr. Holcomb moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hays, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—99.

So the rule was suspended and the bill read a second time by its title.

The question being, shall the bill be engrossed,
It was so ordered.

On motion by Mr. Jenkinson,

Resolved, That the select committee on the Northern Penitentiary be authorized to employ a clerk.

On motion by Mr. Williams,

Resolved, That in consideration of the pending financial embarrassment, the Committee on Ways and Means be instructed to inquire into the expediency of extending the time for the collection of taxes for town or city, county and State purposes, and to report by bill or otherwise.

Mr. Woodhull offered the following resolution:

Resolved, That the provisions of the Constitution of the United States are ample for the preservation of the Union and the protection of the national interest of the country; that it needs to be obeyed rather than amended, and that the remedies for our present difficulties are to be looked for in efforts to preserve and protect the property and enforce the laws, rather than new guaranties, compromises and concessions to unreasonable demands.

Which,

On motion,

Was referred to the Committee of Thirteen.

Mr. Collins off Adams, offered the following resolution:

Resolved, That a special committee of three be appointed to inquire into the duties of county commissioners and township trustees in regard to the erection of embankments and improvement of public highways, and that they report at their earliest convenience.

Which was agreed to.

Messrs. Collins of Adams, Hopkins and Lee, were appointed said committee.

Mr. Bundy obtained leave, and introduced

House joint resolution No. 17. On the preservation of the Federal Union.

Which,
On motion,
Was referred to the Committee of Thirteen.

On motion of Mr. Edson,

Resolved, That the Committee on the Judiciary be authorized to employ a clerk.

On motion by Mr. Ragan,

Resolved, That two hundred copies of the Standing Committees, as announced by the Speaker of the House this morning, be printed, and that two copies be laid on each member's desk at an early day, and a like number of the Order of Business.

On motion by Mr. Branham,

Mr. Horton was added to the Committee on the Penitentiary.

On motion by Mr. Mutz,

Resolved, That the Committee on Education be instructed to inquire into the expediency of abolishing the township library system, and that the funds of said system be applied to the Common School Fund, and that said committee report by bill or otherwise.

Mr. Orr offered the following preamble and resolution :

WHEREAS, There has been and is great complaint made by certain of the States of the United States against certain of the other States of the republic, that they have existing on their statute books laws conflicting with the Constitution of the United States and the laws of Congress, particularly the law known as the Fugitive Slave Law, approved Sept. 18, 1850. Therefore,

Be it resolved, That the Judiciary Committee shall examine the Statutes of the State of Indiana with a view to ascertain if they are in conflict, or if there is any act, or part of an act, now having the force of law in the State of Indiana, which is in conflict with, or which will tend to hinder or prevent the just and faithful execution of the laws of the United States, made in pursuance of the second section of article four of the Constitution of the United States providing for the delivering up of persons held to labor by the laws of any State, escaping therefrom into another State, and commonly known as the Fugitive Slave Law, and report to this House as soon as practicable.

Which was referred to the Committee of Thirteen.

On motion by Mr. Woodruff,

Resolved, That the Committee on the Judiciary inquire into the inquiry into the expediency of so amending the law providing for the settlement of decedents' estates, as to authorize executors and administrators to administer the necessary qualifications to appraisers of the personal property of decedents' estates.

Mr. Prow offered the following resolution:

Resolved, That in the opinion of this House it is inexpedient to allow negroes or mulattoes to attend as scholars the Common Schools of this State, or to give testimony in our Courts of justice against white persons.

Which,

On motion by Mr. Bundy,

Was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

On motion by Mr. Heffren,

Resolved, That the Committee on Roads inquire into the expediency of keeping the highways in repair by a poll and *ad valorem* tax instead of by the present system.

On motion by Mr. Dobbins,

Resolved, That the Committee on Roads be instructed to inquire into the expediency of requiring the supervisors of roads to apply both the two days of annual work and the road tax, upon the road, between the first day of June and the first day of October in each year, and report by bill or otherwise.

On motion by Mr. Edson.

Resolved, That the Committee on Benevolent Institutions be, and they are hereby requested to inquire into the expediency of establishing a school for idiots, and an "Asylum for Incurables," for the benefit of those unfortunate persons who have been admitted into the Hospital for the Insane, and pronounced incurable, and also that they report by bill or otherwise.

Which was read, and referred to the Committee on Benevolent Institutions.

On motion by Mr. Warrum,

Resolved, That the Committee on Roads be instructed to inquire into the expediency of so amending the road law as to require a certain number of days work on roads for personal privileges, by each person required by law to work the same, and that the same be made equal in all cases, and report by bill or otherwise.

Mr. Haworth offered the following resolution:

Resolved, That the Judiciary Committee be requested to inquire into the expediency of so amending the tenth section of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties, in civil cases, so far as to give them jurisdiction to try and determine suits founded on contract and tort, where the sum does not exceed three hundred dollars.

Which was read, and referred to the Committee on Judiciary.

Mr. Jones, of Vermillion, offered the following resolution:

Resolved, That the Committee on Stationery be authorized to employ one assistant clerk, to act as enveloper of papers and other documents.

On motion,
The resolution was laid on the table.

On motion by Mr. Cameron,

Resolved, That the Committee on Benevolent Institutions, be instructed to inquire into the expediency of taking the initiative steps at the present session of the General Assembly, for the establishment of an institution for the treatment of epileptic patients, and a school for the instruction of idiots, and that they report by bill or otherwise.

Mr. Bundy offered the following resolution:

Resolved, That this House will adjourn on Saturday of each week, at the hour of 11 o'clock, A. M., and meet each Monday during the session, at 2 o'clock P. M.

Which, under the rules, lies over until to-morrow.

Mr. Veatch offered the following resolution:

Resolved, That the committee on the Northern Penitentiary be increased to eight members.

The question being on the adoption of the resolution,

Messrs. Jenkinson and Knowlton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Combs, Cooprider, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, Lods, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Pitts, Polk, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. Black, Brett, Bundy, Collins of Adams, Collins of Whitley, Howard, Jenkinson, Knowlton, Parrett, Prosser, Prow, Ragan, Trier—13.

So the resolution was adopted, and

The speaker appointed Mr. Sherman on said committee.

On motion by Mr. Heffren,

Resolved, That the select committee on Northern Penitentiary inquire into and report what propositions were made by any person or persons in the State for the location of the site of said prison at any given point.

Mr. Branham moved that when the House adjourn it will be until to-morrow morning at 9 o'clock.

Which was agreed to.

On motion,

Mr. Grover was added to the Committee on Roads.

Mr. Burgess offered the following resolution :

Resolved, That the Committee to investigate the affairs of the

Northern State Prison be allowed the privilege of employing one or more messengers, as may be necessary for a thorough investigation.

Mr. Parrett moved to amend by inserting in the proper place, "two messengers."

Which was agreed to.

The resolution as amended was then adopted.

Mr. Frasier moved to reconsider the vote adopting the resolution just offered by Mr. Heffren.

Mr. Gresham moved to lay the motion on the table.

Which was agreed to.

The Speaker announced the following committee, under the joint resolution offered by Mr. Cameron to invite the President elect to visit the Legislature,

Messrs. Cameron, Branham, Jones of Vermillion, Veatch, Henricks, Stotsenburg and Packard.

Mr. Stotsenburg offered the following preamble and resolution:

WHEREAS, It appears from the Eighth Annual Report of the Superintendent of Public Instruction, that there is now in the treasury of the State the sum of \$255,000, collected as a school revenue for tuition, which sum has never been apportioned and distributed, for the purpose of educating the children of the State, among the several counties. Therefore,

Resolved, That the Committee on Education be instructed to inquire into the expediency and propriety of reporting a bill providing that county treasurers, at their next settlement with the State Treasurer, shall be allowed to retain the amounts found due each county respectively, for proper distribution to the schools in each county.

Mr. Heffren moved to amend by striking out the second clause of the resolution.

Which was agreed to.

The resolution was then adopted.

On motion by Mr. Woods,

Resolved, That the Committee on Public Expenditures be allowed to employ a clerk.

Mr. Kitchen offered the following resolution:

Resolved, That the Committee on Mileage be instructed to inquire the expediency of so changing the law regulating the mileage of sheriffs in conveying convicts to the State Prison, as to correct some mistakes in the present laws in reference to the distance traveled from the several counties, and allowing back pay to sheriffs who have not received their full pay in consequence of this mistake in the laws, as is the case in Warrick county and others.

Which was read and referred to the Committee on Public Expenditures.

On motion by Mr. Turner,

Resolved, That the Auditor be requested to inform the House immediately what sum or sums of money have been audited and allowed to the Attorney General, upon the order of the Supreme Court, or otherwise, since the first day of January, 1859, on account of services by him rendered in attending to State cases in the Supreme Court.

Mr. Brucker offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by law for the descent of lands held by foreigners who have declared their intentions to become citizens, in conformity with the naturalization laws of the United States, in such manner as that the same shall descend to their heirs who are foreigners as fully as if such heirs were native born citizens of the United States.

Which was read and referred to the Committee on the Judiciary.

On motion by Mr. Branham,

The House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
January 18, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Smith, of Bartholomew,

The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Orr,

A Petition from sundry citizens of Delaware county, asking for the passage of an act to protect fish in inland streams.

Which,

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Bundy obtained leave, and offered the following resolution :

Resolved, That this House will, if the Senate concur, go into the election, by joint convention, of State Librarian, Canal Trustee, and Agent of State, at 10 o'clock this day.

Which was agreed to.

Mr. Bundy moved to add two members to the Committee on Education.

Which was agreed to.

PETITIONS, MEMORIALS, REMONSTRANCES—CONTINUED.

By Mr. Black,

From sundry citizens of Orange county, asking for the repeal of an act authorizing the formation of new counties, and changing county boundaries.

Which,

On motion,

Was referred to the Committee on Rights and Privileges of the Inhabitants of the State.

By Mr. Jones, of Wayne,

A petition from sundry citizens of Wayne, asking for an act for the protection of fish in inland streams.

Which,

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Branham,

A memorial signed by John L. Mansfield and others, in reference to the estates of naturalized citizens.

Which,

On motion,

Was referred to the Committee on the Judiciary.

RESOLUTIONS.

Mr. Roberts offered the following resolutions:

Resolved, first, That the Committee on Benevolent Institutions be instructed to inquire into, and thoroughly investigate the present condition and management of the Hospital for the Insane.

Second, That they ascertain whether the present building is large enough for the reception, accommodation and proper treatment, of all persons entitled to the benefit of the Institution, under the statute creating the same.

Third, Also, to present a statement to this House of the sum it would probably cost the State to complete the north wing of the building, according to its original design; and that when so completed, how many patients the addition to the building would accommodate.

Fourth, And lastly, to report whether it is not expedient and necessary to complete the building according to its original design, within as short a time as practicable.

Which was read and referred to the Committee on Benevolent Institutions.

Mr. Anderson offered the following resolution:

WHEREAS, There is no law in this State defining the width of wagons, and whereas the interest of all concerned demands that there

should be an act establishing the width of both narrow and wide tracks, therefore

Resolved, That the proper committee be instructed to define the width or widths, and report to this House by bill or otherwise.

Which was read and referred to Committee on Rights and Privileges.

On motion by Mr. Moody,

Resolved, That the Doorkeeper be instructed to procure 500 copies of the printed report of the Swamp Land Investigating Committee for the session of 1859, and lay the same upon the desks of members.

On motion by Mr. Williams,

Resolved, That the Superintendent of Public Instruction be, and he is hereby requested, to inform this House who the trustees of the Indiana University are, when they were respectively elected, and when their terms expire; and that the Clerk notify the Superintendent of Public Instruction of the adoption of this resolution.

Mr. Sloan offered the following preamble and resolution:

WHEREAS, It is made the duty of the special committee which was raised to investigate the alleged frauds in connection with the location and management of the Northern State Prison; and whereas, the cities of Fort Wayne and Michigan are deeply interested in said investigation, therefore

Resolved, That the members on said committee representing the counties in which said cities are respectively situated, be respectfully requested to resign, and that the Speaker fill their places by two disinterested members of this House.

On motion by Mr. Dobbins,
The resolution was laid upon the table.

On motion by Mr. Hurd,

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending the law relative to the distribution of school funds as to give to each school district in a township an equal amount of money.

On motion by Mr. Owen,

Resolved, That the Committee on the Judiciary be instructed to inquire into the propriety of so amending the laws as to make it the duty of county recorders to issue marriage licenses instead of county clerks, and that they report by bill or otherwise.

JOINT RESOLUTIONS.

By Mr. Orr.

Joint Resolution No. 18. A joint resolution in relation to national affairs.

Which was referred to the Committee of Thirteen.

Message from the Senate by Mr. Tyner their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following joint resolution of the House, to-wit:

House joint resolution No. 9. A joint resolution in regard to postage, pay and mileage of members and officers of the General Assembly.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution of the House, to-wit:

Resolved, That this House will (if the Senate concur) go into the election, by joint convention, of State Librarian, Canal Trustee, and Agent of State, at 10 o'clock this day.

A message from the Governor by Mr. Holloway, executive messenger:

EXECUTIVE DEPARTMENT, }
Indianapolis, Jan. 18, 1861. }

To the House of Representatives of the State of Indiana:

You are hereby notified that I have appointed William R. Holloway

my private Secretary, and that he is authorized to make communications to your body.

O. P. MORTON, *Governor*.

On motion by Mr. Robbins,

Resolved, That the Committee on Education be instructed to inquire into the constitutionality and expediency of so amending the present school law as to allow each township the privilege of voting for such additional school tax as may be sufficient to support their schools six months of the year, and to report to this House by bill or otherwise.

On motion by Mr. Bundy,

Resolved, That the Senate be invited to attend in the Hall of the House at 10 o'clock this day, for the purpose of going into the election of State Librarian, Canal Trustee, and Agent of State, and that seats be provided for them on the right of the Speaker's chair.

By Mr. Hayes,

Joint resolution No. 19. A joint resolution in reference to the duties of the President, officers and citizens of the United States, and in favor of the Union, the Constitution, and the enforcement of the laws.

Which was referred to the Committee of Thirteen.

BILLS INTRODUCED.

By Mr. Dobbins,

House bill No. 60. A bill providing for the deposit of bonds and freehold securities, by the several Railroad Companies of this State, with the County Auditors of the counties in which the principal offices of such Railroad Companies are situate, and with the Auditor of Knox county, within this State, where the principal office is without this State, and declaring the conditions thereof, and prescribing the penalties for failing to comply with the provisions of this act, and giving owners of stock killed by such railroads a lien upon said securities.

Which was read a first time, and passed to a second reading.

By Mr. Orr,

House bill No. 61. A bill defining who shall be qualified voters at district school meetings, and in the selection of district director, and

in the selection and dismissal of school teachers, and repealing all laws or parts of laws in conflict with this act.

Which was read a first time, and passed to a second reading.

By Mr. Veatch,

House bill No. 62. A bill to authorize the Bank of the State of Indiana to lay off and create five additional Bank districts, and to locate and establish branches therein.

Which was read a first time and passed to a second reading.

By. Mr. Prosser,

House bill No. 63. A bill to repeal "an act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.

Which was read a first time and passed to a second reading.

By Mr. Brucker,

House bill No. 64. A bill authorizing aliens to hold lands in the State of Indiana, by purchase or otherwise.

Which was read a first time and passed to a second reading.

By Mr. Heffren,

House bill No. 65. A bill to repeal an act entitled "an act touching gaming contracts.

Which was read a first time and passed to a second reading.

By Mr. Atkinson,

House bill No. 66. A bill to amend section four hundred and seventy-six of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read a first time and passed to a second reading.

By Mr. Polk,

House bill No. 67. A bill in relation to fences along railroad lines, and to killing stock on railroads.

Which was read a first time, and passed to a second reading.

By Mr. Howard,

House bill No. 68. A bill to amend section 466 of an act entitled

"an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Dobbins,

House bill No. 69. A bill to amend an act providing for serving process upon the officers, directors, attorneys or agents of any railroad company, approved March 4, 1853.

Which was read a first time, and passed to a second reading.

By Mr. Packard,

House bill No. 70. A bill supplemental to section one of an act providing for the election or appointment of Supervisors of Highways, &c., approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Wood,

House bill No. 71. A bill to amend section fourteen of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Which was read a first time, and passed to a second reading.

The hour for the meeting of the Joint Convention of the two Houses of the General Assembly of the State of Indiana having arrived, the Senate, preceded by Senator Cravens, President *pro tem*, appeared in the Hall of the House, where seats were provided for them on the right of the Speaker's Chair.

Upon calling the Joint Convention to order, the President of the Senate announced that that the General Assembly were met in Joint Convention, pursuant to a concurrent resolution of both Houses thereof, for the purpose of electing a State Librarian, an Agent of State, and one Trustee of the Wabash and Erie Canal.

Mr. Bundy moved that the Joint Convention proceed to the election of State Librarian.

Which was agreed to.

The President then announced that the Joint Convention would proceed to choose, by a *viva voce* vote, State Librarian.

Senator Hull nominated Robert D. Brown.

Mr. Heffren nominated Lizzie St. Clair Dill.

Senator Carnahan nominated John B. Dillon.

Mr. Stotsenburg nominated John O. Green.

Those who voted for Robert D. Brown were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, De Hart, Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb, Robinson, Steele, Stone, Teegarden, Turner and Wagner, of the Senate. And

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frazier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker, of the House of Representatives—87.

Those who voted for Lizzie St. Clair Dill were,

Messrs. Conley, Ray, Slack, Williams and Wilson, of the Senate. And

Messrs. Black, Brett, Collins of Adams, Davis, Flemming, Ford, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Packard, Pitts, Prosser, Robins, Roberts and Warrum, of the House of Representatives—30.

Those who voted for John B. Dillon were,

Messrs. Carnahan, Hamilton, Johnson, Jones, Line, Lomax, Odell, Shields, Shoemaker, Shoulders and Tarkington, of the Senate. And

Messrs. Atkinson, Davis, Gifford, Holecomb, Owens, Prow and Trier, of the House of Representatives—18.

Those who voted for John O. Green were,

Messrs. Cobb, Ferguson, Landers, O'Brien and Wolfe, of the Senate. And

Messrs. Crain, Edson, Polk, Smith of Bartholomew and Stotsenburg, of the House of Representatives—10.

Robert D. Brown having received a majority of all the votes cast was declared by the President of the Joint Convention duly elected

State Librarian, to serve as such for the period of two years from the time of his election.

The President then announced that the Joint Convention would now proceed to choose, by a *viva voce* vote, an Agent of State, to serve as such for the term of two years from and after his election.

Senator Claypool nominated Robert N. Hudson.

Mr. Heffren nominated Daniel C. Stover.

Those who voted for Robert N. Hudson were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, De Hart, Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb, Robinson, Steele, Stone, Teegarden, Turner and Wagner, of the Senate. And

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker, of the House of Representatives—87.

Those who voted for Daniel C. Stover were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Hamilton, Johnston, Jones, Landers, Line, Lomax, O'Brien, Odell, Ray, Shields, Shoemaker, Shoulders, Slack, Tarkington, Williams, Wilson and Wolfe, of the Senate. And

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier and Warrum, of the House of Representatives—58.

Robert N. Hudson having received a majority of all the votes of the General Assembly of the State of Indiana, was declared by the President of the Joint Convention duly elected Agent of State for the State of Indiana, to serve as such for the term of two years from and after his election.

The President then announced that the Joint Convention would proceed by ballot to choose a Trustee for the Wabash and Erie Canal, for the term of two years from and after his election.

Senator Culver nominated Joseph A. Hanna.

Mr. Heffren nominated Richard Raleigh.

The law requiring that the Trustee of the Wabash and Erie Canal should be chosen by ballot, the President of the Joint Convention appointed Senators Claypool and Slack as tellers on the part of the Senate.

The Speaker of the House appointed Messrs. Packard and Heffren as tellers on the part of the House.

The Joint Convention then proceeded to ballot for a Trustee of the Wabash and Erie Canal, which resulted as follows, to-wit :

For Joseph A. Hanna, 88 votes.

For Richard Raleigh, 58 votes.

Joseph A. Hanna having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected a Trustee of the Wabash and Erie Canal, to serve as such for the term of two years from and after his election.

The President then declared the Joint Convention adjourned.

The Senators then retired to their chamber.

BILLS INTRODUCED.

Mr. Crain introduced

House bill No. 72. A bill for the recovery of personal property, providing for an execution against the body, and repealing all acts in conflict therewith.

Which was read a first time, and passed to a second reading.

By consent, Mr. Frasier offered the following resolution :

Resolved, That the Committee on County and Township business be authorized to employ a clerk.

Which was not agreed to.

On motion by Mr. Heffren,
The House adjourned.

2 O'CLOCK, P. M.

The House met.

BILLS INTRODUCED.

By Mr. Heffren,

House bill No. 73. A bill to provide for the collection, safe keeping and disbursement of the public money.

Which was read a first time and passed to a second reading.

By Mr. Brett,

House bill No. 74. A bill to amend the fifth section of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof," approved March 5, 1859.

Which was read a first time and passed to a second reading

By Mr. McClurg,

House bill No. 75. An act to amend the four hundred and twelfth section of an act to revise, simplify and abridge the rules and practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Black,

House bill No. 76. An act to amend section one of an act authorizing County Recorders and County Surveyors to issue fee bills.

Which was read a first time and passed to a second reading.

By Mr. Henricks,

House bill No. 77. A bill to amend the sixth section of an act, entitled "An act to incorporate the St. Joseph Iron Company," and to repeal the seventh, eighth, ninth, tenth, eleventh, and twelfth sections thereof, approved January 22, 1835.

Which was read a first time, and passed to a second reading.

By Mr. Lee,

House bill No. 78. A bill to authorize the Board of Commissioners to exempt the property of widows from taxation, when it does not exceed three hundred dollars in value.

Which was read a first time, and passed to a second reading.

By Mr. Turner,

House bill No. 79. A bill to amend an act, entitled "An act to provide for the appointment of a Sheriff of the Supreme Court, and prescribing certain of his duties and fees," approved May 13, 1852, and to repeal all laws inconsistent therewith.

Which was read a first time, and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill, No. 80. A bill to prevent the emigration from any other State, or from one county or township in this State, for the purpose of voting, influencing, or carrying elections in such other county or township, and prescribing penalties against persons so engaged, and against persons aiding, abetting, counseling, or in any manner engaged therein, and to repeal the act approved March 6, 1857, on the same subject.

Which was read a first time, and passed to a second reading.

By Mr. Hopkins,

House bill No. 81. A bill to quiet the title to a piece of ground in Vanderburg county, known as the east half of out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on part of the north-west quarter of section No. 29, in township 6, south of range 10 west.

Which was read a first time, and passed to a second reading.

Mr. Henricks introduced

House bill No. 82. An act to amend the seventh section of an act, entitled "An act to incorporate the South Bend Manufacturing Company," and to repeal the ninth section of the same, approved December 28, 1842.

Which was read a first time, and passed to a second reading.

By Mr. Heffren,

House bill No. 83. A bill to provide for a general system of Common Schools, the officers thereof, and their respective powers, duties, and matters properly connected therewith, and to establish township libraries, and for the regulation thereof.

Mr. Heffren moved to suspend the rule, and read the bill a first and second time now, by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Brett, Bryan, Cameron, Cason, Collins of Whitley, Combs, Coopridger, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Halcomb, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Pitts, Prosser, Prow, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Bingham, Black, Boydston, Brueker, Campbell, Collins of Adams, Crain, Dashiell, Hudson, Lightner, Parrett, Polk, Stotsenburg, Turner and Woodruff—15.

So the rule was suspended, and the bill read a first and second time by its title.

Mr. Heffren moved that the bill be laid on the table, and two hundred copies printed for the use of the House.

Mr. Nebeker called for a division of the question.

The question being on ordering 200 copies to be printed,
It was agreed to.

The question recurring on the motion to lay the bill on the table,
It was not agreed to.

On motion by Mr. Holcomb,
The bill was referred to the Committee on Education.

Mr. Orr introduced

House bill No. 84. A bill regulating interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852, and all other laws also or parts of laws in conflict with this act.

Which was read a first time.

Mr. Bundy moved to suspend the rules and read the bill a second time now.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Brett, Bryan, Bundy, Burgess, Collins of Adams, Collins of Whitley, Combs, Crain, Dashiell, Feagler, Fisher, Fleming, Gresham, Hall, Harvey, Haworth, Hayes, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lee, McLean, Moorman, Moss, Mutz, Newman, Orr, Packard, Polk, Prow, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Woodhull and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Branham, Brucker, Campbell, Cason, Coopridger, Davis, Dobbins, Edson, Epperson, Erwin, Ferguson, Fordyce, Fraley, Frasier, Gifford, Goar, Henricks, Holcomb, Hopkins, Howard, Kitchen, Lods, Lane, Lightner, McClurg, Moody, Nebeker, Owens, Parrett, Pitts, Prosser, Ragan, Stotsenburg, Veatch, Wells, Williams, Wilson, Woodruff and Woods—39.

So the rule was not suspended.

Mr. Heffren, from the select committee to procure the Statutes, made the following report :

MR. SPEAKER:

The select committee to whom was referred the resolution in regard to purchasing the Statutes of Gavin and Hord, editors, would report that they have attended to that duty, and have received from the firms of Bingham & Doughty, and Gavin and Hord, the following letter, which we make a part of this report:

INDIANAPOLIS, January 17, 1861.

HON. HORACE HEFFREN, Chairman, &c.

DEAR SIR:—We will furnish the State with Gavin & Hord's edition of the Revised Statutes, upon the following terms:

1,000 copies at \$3 50 per volume.

3,000 copies at \$2 50 per volume.

5,000 copies at \$2 00 per volume.

This proposition is intended to include in one of the volumes the Acts of the present session of the Legislature, as they may order, at *twenty-five cents* per copy, based upon the calculation that the Acts of the present session will not exceed in quantity of matter those of 1859, and if more, to be paid in proportion for the same. The Acts of 1859, under the printing law of 1859, cost the State thirty cents per copy for 10,000 copies.

The second volume of the Statutes will make about 1,000 pages. The first volume contains 852. Both volumes, on a larger page, contains nearly double the matter of the Revised Statutes of 1852. We propose to furnish the work in the same style as the edition already published.

The Statutes of 1852 cost the State about \$1 50 per volume. Fourteen thousand copies of both volumes were published in English and 1,000 in German.

The larger the number printed the less the cost, as the composition costs as much for one as for fourteen thousand.

We ask you to report to the Legislature at once in favor of purchasing two hundred copies for the use of the Legislature and officers at \$3 00 per copy. As the first volume contains less matter than the second will, three dollars will be about the proportion of the cost of the first volume, at the rate we propose to furnish the State one thousand copies of both volumes.

The State allows \$3 00 per volume for the Reports of the Decisions of the Supreme Court, and the first volume of the Statutes contain more than double the matter.

We shall be pleased to furnish the committee with any information they may need in the matter, within our knowledge.

Yours respectfully,

GAVIN & HORD, *Compilers.*

BINGHAM & DOUGHTY, *Publishers.*

We recommend that copies be purchased for the use of the General Assembly, and also, that copies be subscribed for on the part of the State for the use of the officers, counties, &c., of the State of Indiana.

Mr. Nebeker moved to refer the report to the Committee on the Judiciary.

Mr. Heffren moved to postpone the further consideration of the report until Tuesday next at 2 o'clock, P. M.

Which was not agreed to.

The question being on referring the report to the Committee on the Judiciary,

It was agreed to.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have compared House bill No. 59, entitled an act to amend section first of an act, entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, as engrossed, with the original and find the same correctly engrossed

House Bills on Second Reading.

No. 1. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Was read a second time, and referred to the Committee on the Judiciary with instructions.

Mr. Stotsenburg moved to instruct the committee as follows:

Amend by striking out the word "embezzlement," in section 1, and insert "felony."

In section 2, strike out "breach of trust," and insert "felony."

In section 6, strike out "sooner," and insert the words "prior to;" "breach of trust," and insert "felony."

Which was agreed to.

Mr. Prosser moved to amend section —, by adding, "any city, town or township officer, or any executor, administrator, or any person or persons acting in any fiduciary capacity whatever."

Which was agreed to.

No. 2. A bill declaring it to be a felony to leave open gates or let down fences, or destroying cattle guards along the line of railroads, and providing the penalty therefor.

Was read a second time, and

On motion,

Referred to the Committee on the Organization of Courts of Justice.

No. 3. An act to amend the 16th section of an act, entitled "An act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect; and repealing all laws inconsistent therewith, approved March 5, 1859, so as to provide for the holding of said Common Pleas Court in the county of Newton.

Was read a second time, and

On motion,

Referred to the Committee on the Organization of Courts of Justice.

No. 4. A bill to amend sections 70 and 91 of an act, entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time, and

On motion,

Referred to the Committee on County and Township Business.

No. 5. A bill limiting the Board of County Commissioners in the assessment and levy of taxes.

Was read a second time, and

On motion,
Referred to the Committee on the Judiciary.

Mr. Parrett moved that when the House adjourns, it stands adjourned until Monday next, at 2 o'clock P. M.

Messrs. Dobbins and Black demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Cason, Collins of Whitley, Combs, Crain, Dashiel, Davis, Erwin, Ferguson, Fraley, Frasier, Goar, Haworth, Heffren, Hopkins, Horton, Howard, Jenkinson, Jones of Wayne, Kendrick, Knowlton, Lane, Lee, McClurg, McLean, Moorman, Moss, Mutz, Newman, Owens, Packard, Parrett, Polk, Prosser, Ragan, Sherman, Trier, Thomas, Thompson, Turner, Warrum, Wilson, Woodruff and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brucker, Cameron, Campbell, Collins of Adams, Coopridge, Dobbins, Edson, Epperson, Fisher, Fleming, Ford, Fordyce, Gifford, Harvey, Hayes, Henricks, Hudson, Hurd, Jones of Vermillion, Kitchen, Lods, Lightner, Moody, Nebeker, Orr, Pitts, Prow, Randall, Roberts, Sloan, Smith of Miami, Stevenson, Underwood, Veatch, Wells, Williams, Woodhull, and Woods—46.

So the motion was agreed to.

On motion,
Mr. Moss was granted leave of absence.

No. 6. A bill to amend section one of an act entitled "an act to provide for electing electors for President and Vice President of the United States," approved May 20, 1852.

Was read a second time and referred to Committee on Elections.

No. 7. A bill to amend the thirteenth section of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a second time and referred to Committee on Judiciary.

On motion,
The House adjourned till Monday afternoon, 2 o'clock.

MONDAY, 2 o'clock P. M., }
January 21, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Heffren,
The reading of the journal was dispensed with.

The Speaker laid before the House the following communication from the Auditor of State:

OFFICE AUDITOR OF STATE, }
Indianapolis, Jan. 19, 1861. }

Hon. C. M. Allen, Speaker of House of Representatives:

I have the honor to lay before the House of Representatives the following statement showing the condition of the treasury this day, and to suggest that such measures as the Legislature may deem best be at once adopted, to provide means for the payment of the expenses of the Legislature and the State Government until the revenue of 1860 can be realized.

By reference to the Report of the Treasurer of State it will be seen that the balance in the Treasury on the first day of January, was	\$30,619 76
Receipts since that date, including loan of \$25,000 from Branch Bank of the State	43,163 08
	<hr/>
Making.....	\$73,782 84
Expended since that date.....	46,495 15
	<hr/>
Actual cash balance this day.....	\$27,287 69

On the 19th of December last a communication was addressed to Col. E. Dumont, President of the Board of Sinking Fund Commissioners, signed by the State officers, in which we expressed our belief that a deficiency would occur in the treasury before the Legislature could have time to consider the matter, and requesting that officer to aid the treasury by a loan from the funds on hand for distribution.

The President of the Board, doubtful of his power to make the loan, declined to do so, but at our suggestion, withheld the distribution of the funds on hand until the condition of the treasury could be laid before the Legislature.

Upon application to the branch of the Bank of the State in this
H. J.—9.

city, a loan of \$25,000 was made to the State, payable in May next, out of the revenue of 1860.

The loan of \$125,000 made in New York of Messrs. Winslow, Lanier & Co., and which is referred to by Gov. Hammond in his late message, was consummated after my annual report was prepared for the press, and it is proper I should state to the Legislature that this loan was made to pay interest on the State debt, and that four-fifths of it was borrowed at six per cent., and the fifth at seven per cent. interest, when money was worth much higher prices in New York; showing that this house was disposed to accommodate the State at a time of great financial distress, on fair and honorable terms.

For this loan the obligations of the State were given, as provided by law, which are due and payable on the first of May next from the taxes of 1860, making, with the loan from the Bank of the State referred to, \$150,000 to be paid from the revenues of last year.

As stated on page 33 of my annual report, there is eighty thousand dollars of Indiana five per cent. stocks belonging to the State Debt Sinking Fund, which were paid for from the two per cent. sinking fund tax of 1859, and which were contracted for, as shown in my report, at a time when reasonable calculations of the amount to be realized from the revenue of that year, made it the duty of the Board to invest the tax.

The report of the President of the Sinking Fund Commissioners will be laid before the Legislature in a few days, and while I think the views of that officer, in regard to the State becoming a larger borrower of the fund, entitled to much deference, I am of the opinion that with a proper law for the payment of interest, and its distribution to the counties, the State would be a more safe and less expensive borrower than to loan the fund through its present channels.

The law authorizing the Treasurer of State to call on the county Treasurers for the amount of State tax collected and on hand, whenever the condition of the treasury shall require, contains no penalty, and the calls of the Treasurer of State are for the most part unheeded; and without further legislation but little aid to the treasury can be expected from that quarter until the second Monday in April next.

There is undoubtedly now in the hands of the various County Treasurers, a sufficiency of State, School, and Sinking Fund taxes, to relieve the treasury and carry on the fiscal operations of government until the annual settlements are made, rendering unnecessary at present any other than a temporary loan for current expenses, provided the County Treasurers are compelled to pay over to the Treasurer of State.

I submit an estimate of the amount necessary to carry on the operations of the treasury until the first of May next, by which time many of the annual settlements will have been made.

Expenses of the Legislature.....	\$45,000 00
All other expenses.....	55,000 00

Making.....	\$100,000 00
From which, deduct balance in the Treasury.....	27,000 00

Leaving balance to be provided.....	\$72,000 00
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Respectfully submitted,

JOHN W. DODD, *Auditor of State.*

On motion,

The communication was referred to the Committee of Ways and Means.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Nebeker,

To repeal an act authorizing the formation of new counties, and changing county boundaries.

Which was referred to the Committee on County and Township Business.

By Mr. Bundy,

A petition from sundry citizens of Knightstown, Henry county, asking the General Assembly to pass a joint resolution, inviting the poor white inhabitants of the Southern States to settle in this State.

Which,

On motion,

Was referred to the Committee on Federal Relations.

REPORTS FROM SELECT COMMITTEES.

The Select Committee on Stationery made the following report:

MR. SPEAKER:

In compliance with an order of the House, the Committee on Stationery have directed me to report that, in order to transact the business of the stationery room, it will require an assistant clerk, and two persons to act as paper folders, and envelopers of papers and other documents.

Which was concurred in.

RESOLUTIONS.

On motion by Mr. Veatch,

Resolved, That the Governor be requested to lay before the House any information now in his possession, or that he may be able to obtain, in relation to the amount of fees and perquisites that have been received by the Governor, Auditor of State, Treasurer and Secretary, of State, and President of the Sinking Fund, since the 5th day of March, 1859, and whether the said fees and perquisites have been paid into the State Treasury as required by law.

On motion by Mr. Gresham,

Resolved, That the Governor be, and he is hereby authorized, to rent some suitable and convenient room, centrally located in this city, for use as a State arsenal; that he be requested to have the arms and accoutrements in the present arsenal overhauled, by some competent officer or officers, and remove such as may be serviceable, to such room as he may procure for their arrangement and reception.

Which was referred to the Committee on Military Affairs.

Mr. Orr offered the following resolution:

Resolved, That the Committee on Military Affairs shall report a bill, as soon as possible, to thoroughly organize the Militia of the State, and also to encourage volunteer companies; and providing that said companies be furnished suitable arms, that they may be drilled in the manual, as well as platoon exercise.

Mr. Edson moved to amend by striking out the word "shall," and inserting in lieu thereof, "inquire into the expediency of."

On motion by Mr. Nebeker.

The resolution and pending amendment were laid on the table.

On motion by Mr. McLean,

Resolved, That the Judiciary Committee be instructed to examine if there is any lien under our existing statutes in favor of landlords upon growing crops, so as to receive their rent against the creditors of tenants, and if not, to frame and present a bill giving additional security to landlords upon such growing crops, if the same shall be deemed expedient and proper.

On motion by Mr. Frasier,

Resolved, That the Committee on Agriculture be, and they are hereby, instructed to inquire into the expediency of purchasing for the use of the State the geological and mineralogical cabinet, and chemical and philosophical apparatus belonging to the estate of the late Dr. David Dale Owen, deceased, and report by bill or otherwise.

On motion by Mr. Bundy,

The following message from the Senate was taken up:

A message from the Senate by Mr. Tynner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution:

Resolved, By the Senate, the House of Representatives concurring, that the Committee on State Prisons, in the Senate be, and are hereby, instructed to visit Michigan City, the location of the Northern Prison, in connection with such committee as the House may designate, to examine the site thereof, and to investigate such matters connected with its location and erection as to them may seem proper, and that the Treasurer of State be, and is hereby requested to advance such sum of money as may be necessary to bear their expenses during the trip, such sums to be finally provided for in the specific appropriation bill of this session.

In which the concurrence of the House is requested.

Mr. Bundy moved moved to concur in the resolution of the Senate.

Mr. Heffren moved to amend by including the "Standing Committees of the House and Senate."

Mr. Woodhull moved to lay the resolution and amendment on the table.

Which was agreed to.

On motion by Mr. Bundy,

Resolved, That the Committee on Fees and Salaries be instructed to inquire into the expediency of amending the 137th section of the act relative to collecting taxes, (vol. 1, p. 136, Revised Statutes,) so as to dispense with filing the county treasurer's receipt with the county auditor; also, whether or not the compensation of the county treasurer is not too high, and that of county auditors too low, and whether their compensation cannot be made more equal and more justly proportioned to the labor performed by each officer, and that they report by bill or otherwise.

Mr. Cameron offered the following resolution :

Resolved, That the resolution raising a special committee, empowered to examine into all charges of frauds, eligibility of location, and so forth, be, and the same is hereby, declared to be rescinded, and that the Standing Committee on Affairs of State Prison be hereby empowered to make all necessary investigation into any charges which may be brought before them, relating to frauds in the letting of the contracts of the Northern Prison, or any other frauds whatever.

Mr. Davis moved to amend as follows:

Amend by adding "all resolutions referred to the select committee be referred to the Standing Committee."

Which was accepted by the mover.

Mr. Packard moved to amend by adding one more member to the committee.

Mr. Bundy moved to lay the resolution and pending amendments on the table.

Messrs. Jenkinson and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Adams, Collins of Whitley, Coopridier, Crain, Dashiel, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Flemming, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Parrett, Polk, Randall, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Atkinson, Black, Cameron, Combs, Edson, Gifford, Henricks, Holcomb, Kitchen, Knowlton, Lods, Lane, Owens, Packard, Pitts, Prosser, Ragan, Robbins, Smith of Bartholomew, Warrum and Woods—21.

So the resolution and amendments were laid on the table.

Mr. Heffren moved to reconsider the vote laying the resolution on the table.

Mr. Heffren moved to lay that motion on the table.
Which was agreed to.

On motion by Mr. Cameron,

Resolved, That the Committee on Affairs of the State Prison be directed to inquire whether a contract has been made with Messrs. Butterfield and Stanton by the Commissioners of the Northern Prison, for the labor of the convicts therein confined for the term of five years, or for any other term, at the nominal price of twenty-five cents per day. And that they be directed to inquire if said Commissioners are empowered to make such contracts, and report to this body what means, if any, can be used to amend said contract, if any exists.

On motion by Mr. Williams,

Resolved, That the standing committee of this House be and they are hereby discharged from the duty of considering any matters whatever connected with the Northern State Prison.

Mr. Packard offered the following resolution, which was not agreed to.

Resolved, That whereas there is at present an irregular number on the standing committee on Penitentiaries, one more be added to said committee.

Mr. Feagler asked and obtained leave to introduce

Joint resolution No. 20. A joint resolution on representation and taxation, and for taking the eighth census.

Mr. Fisher moved to lay the joint resolution on the table.
Which was agreed to.

On motion by Mr. Moody,

Resolved, That Mr. Hurd be added to the Swamp Land Committee.

On motion by Mr. Moody,

Resolved, That the Swamp Land Committee be authorized to employ a clerk.

On motion by Mr. Davis,

Resolved, That the Committee on Education inquire into the expe-

diency of revising the school law, and provide for the publication of a sufficient number of copies to supply the several districts.

Mr. Prosser asked and obtained leave to introduce

Joint resolution No. 21. A joint resolution in relation to building a monument over the grave of James Wilson, one of the signers of the Declaration of Independence.

Which,

On motion by Mr. Prosser,
Was referred to a select committee of three.

The Chair appointed Messrs. Prosser, Packard and Howard.

Mr. Horton offered the following resolution :

Resolved, That the standing and select committees of the House on Penitentiaries be authorized, by order of the Speaker, to draw upon the Treasury for the expenses to be incurred by said committees visiting the Penitentiary.

Which was not agreed to.

Mr. Roberts offered the following resolutions :

Resolved, That the Judiciary Committee be instructed to report amendments to the 8th article of the Constitution, *provided* it is not deemed incompatible with the public good, as follows, to-wit :

First. To the effect that the funds in the second section thereof mentioned shall be and remain a consolidated and perpetual fund for the support of common schools in this State, which may be increased but never diminished, and which shall have a uniform and general application throughout the State, so that each county will draw its *quota* of interest arising therefrom in proportion to the number of children therein.

Second, That that portion of the common school fund which may arise in each county from direct taxation, and from fines and forfeitures under the penal code, shall remain in said county for the entire and exclusive benefit of the common schools therein.

Mr. Heffren offered the following resolution :

WHEREAS, The people of the State of Indiana are now suffering severely by reason of a financial crisis; and whereas, there has been a want of confidence by the people in the capacity of the banks of this State to redeem their issues; and whereas, the various banks

of this State have almost entirely ceased discounting, are retiring their circulation very rapidly, thereby adding to the general distress of the community in a financial point of view; and whereas, justice requires that something be done, if possible, to relieve the wants of the people; therefore,

Resolved, That the Committee on Banks be directed to inquire into, and report upon, the expediency of providing by law for a suspension of specie payment by our banks for a definite period, as a means of relief and benefit to our people.

Mr. Lane moved to lay the resolution on the table.
Which was agreed to.

Mr. Holcomb moved to take up House bill No. 59, on third reading.
Which was agreed to.

House bill No. 79. A bill to amend section first of an act, entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.
Which was read a third time.

And the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridner, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall Harvey, Haworth, Hays, Henricks, Holcomb, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

On motion by Mr. Branham,
The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
January 22, 1861. }

The House met.

On motion by Mr. Edson,

The reading of the journal was dispensed with.

On motion by Mr. Edson,

The order of business was suspended and House bills on second reading were taken up.

HOUSE BILLS ON SECOND READING.

No. 8. A bill for the allowance of the clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith.

Was read a second time, and,

On motion,

Was referred to Committee on Organization of Courts of Justice.

No. 9. A bill to amend section one hundred and forty-eight of an act providing for the settlements of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Was read a second time and referred to the Committee on Judiciary.

No. 10. A bill authorizing county libraries to loan certain funds, and regulating the same.

Was read a second time and referred to the Committee on Education.

No. 11. A bill providing for rebuilding and repairing division fences along the line of railroads.

Was read a second time.

Which,

On motion by Mr. Dobbins,

Was referred to the Committee on Agriculture.

No. 13. A bill making provision for the refunding of license money illegally collected under an act entitled "an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Was read a second time, and referred to the Committee on the Judiciary.

No. 14. A bill to amend section one of "an act concerning interest on money."

Which was read a second time and referred to the Committee on Judiciary.

No. 15. A bill to amend section second of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Was read a second time.

On motion,

Referred to the Committee on Corporations.

No. 16. A bill to provide for refunding saline funds to persons who have erroneously paid the same to the treasurer of such funds.

Was read a second time, and

Referred to the Committee on County and Township Business.

No. 17. A bill regulating the Public Printing of the State of Indiana, providing for letting the same to the lowest bidder, and also for the purchasing of all paper and stationery from the lowest bidder, providing for the publication of the laws and journals of the General Assembly.

Was read a second time, and

On motion by Mr. Lane,

Was referred to the Committee on Ways and Means.

No. 18. A bill to repeal an act, entitled an act to amend the first section of an act, entitled "An act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less

than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained, approved March 5, 1859.

Was read a second time, and

Referred to the Committee on County and Township Business.

No. 19. A bill to amend section 33 of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State to abolish distinct forms of action at law and to provide for its administration of justice in a uniform mode of pleading and practice without distinction between law and equity, so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence.

Was read a second time, and

Referred to the Committee on the Judiciary.

No. 20. A bill to amend section two hundred and thirty-eight of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time, and

On motion,

Was referred to the Committee on the Judiciary.

No. 21. A bill to amend the four hundred and twentieth section of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time, and

Referred to the Committee on the Judiciary.

No. 22. A bill to repeal an act, entitled an act to establish courts of conciliation, to prescribe rules, practice and proceedings therein, and the compensation of judges.

Was read a second time, and

Referred to the Committee on the Organization of Courts of Justice.

No. 23. A bill to prevent the emigration of voters from one county in this State to another, and from one township to another, for the purpose of influencing or carrying the election in such other county, prescribing penalties against persons aiding, abetting, counseling, or engaged therein, and for the preservation of the purity of the ballot.

Was read a second time, and
 On motion,
 Referred to the Committee on Elections.

No. 24. A bill to amend section twenty-three of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and for other purposes therein named," approved June 21, 1852.

Was read a second time and referred to the Committee on County and Township Business.

No. 25. A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a second time, and,

On motion,

Was referred to the Committee on Rights and Privileges.

No. 26. A bill to amend the fourth section of an act entitled "an act to provide for the protection of wild game, defining the time in which the game may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a second time, and,

On motion by Mr. Moody,

Referred to the Committee on Rights and Privileges, with the following instructions:

Strike out the word "February" wherever it occurs, and insert the word "March."

Mr. Prosser offered the following additional instructions:

Amend so as to read in the section relating to prairie hens or chickens that the word "August" be stricken out, and the word "September" be inserted.

Which was agreed to, and the bill so referred with instruction.

No. 27. A bill fixing the compensation of the Speaker of the House of Representatives.

Was read a second time and referred to the Committee on Claims.

No. 28. A bill to amend the first section of an act approved May 27, 1852, entitled "an act concerning interest on money."

Was read a second time and referred to Committee on Rights and Privileges.

No. 29. A bill to create the 16th judicial Circuit.

Was read a second time and referred to the Committee on Organization of Courts.

No. 30. A bill to amend the 78th section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms, in criminal actions in the Courts of this State," approved June 17, 1852.

Was read a second time, and referred to the Committee on the Judiciary.

No. 31. A bill to repeal section 15 of an act, entitled "An act concerning notes and bills of exchange," approved May 12, 1852; and also to repeal sections 381 and 445 of an act, entitled "An act to revise, simplify and abridge the rules, practice and pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide a uniform rule for the sale of property upon execution and other process.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 32. A bill to provide for the rights of married women, in cases of the sale of lands on execution, or by virtue of any judicial proceeding, and in all other cases where the wife does not consent to the sale.

Was read a second time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 33. A bill to perfect the title of purchasers of Railroads, sold by foreclosure or other proceedings in law or equity, or pursuant to the provisions of mortgages or deeds of trust, or by the joint exercise of these authorities, and to enable them to organize corporations, and to exercise corporate and other powers.

Was read a second time, and referred to the Committee on the Judiciary.

No. 34. A bill authorizing any or all persons to part combatants, and prevent any affray, assault and battery, or other breach of the peace, and prescribing the punishment to any person who will hinder or prevent, in any way, any one in separating combatants, or in preventing the violation of the peace.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 35. A bill to amend section two hundred and thirty-eight of the act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, so as to admit parties in civil action to testify on their own behalf," approved June 18, 1852.

Was read a second time, and

Referred to the Committee on the Judiciary.

No. 36. A bill for the relief of the heirs of Michael O'Brien.

Was read a second time.

Mr. Woodhull moved to refer the bill to a select committee of five.

Mr. Parrett moved to amend by referring the bill to the Committee on Claims.

Which was not agreed to.

The question being on referring the bill to the select committee,
It was so referred.

Messrs. Woodhull, Packard, Collins of Whitley, Prosser and Brett, were appointed said committee.

The Speaker announced the following select committee under the resolution of Mr. Gresham, adopted on the 12th of January, on the subject of Public Printing, to-wit:

Messrs. Gresham, Cameron, Burgess, Smith of Bartholomew and Packard.

The Speaker laid before the House the following communication from the Superintendent of Public Instruction:

INDIANAPOLIS, January 21, 1861.

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR:—I have the honor to acknowledge the receipt of the following resolution:

HALL OF HOUSE OF REPRESENTATIVES, }
January 21st, 1861. }

SIR:—I am directed to lay before you the following resolution of the House of Representatives, to-wit:

Resolved, That the Superintendent of Public Instruction be, and he is hereby, requested to inform this House who the Trustees of the Indiana University are, when they were respectively elected, and when their terms expire; and that the Clerk notify the Superintendent of Public Instruction of the adoption of this resolution.

Respectfully,

J. W. GORDON,
Clerk of House of Representatives.

In answer to which, please permit me, through you, to submit to the Body over which you preside, the following information:

The names of the Trustees of the Indiana University, the date of their appointments, and the the expiration of their respective terms of service are as follows:

NAMES.	Residence.	Date of Appointment.	Expiration of Term.
Samuel C. Wilson	Montgomery County....	March 26, 1857	March 4, 1861.
David G. Rose	Laporte County.....	April 18, 1859.....	March 4, 1861.
Ransom W. Apin.....	Monroe County.....	April 4, 1860.....	March 4, 1861.
John S. Tarkington.....	Marion County	April 18, 1859.....	March 4, 1862.
James Swetzer	Grant County	April 18, 1859	March 4, 1862.
J. B. Winstandley.....	Floyd County	April 18, 1859.....	March 4, 1863.
Bayless Hanna.....	Vigo County	July 5, 1859.....	March 4, 1863.
David Slocks.....	Monroe County.....	December 12, 1860.....	March 4, 1863.

Respectfully submitted,

SAMUEL L. RUGG,
Sup't Public Instruction.

No. 37. A bill to amend section five of "an act to regulate and license the sale of spirituous, vinous, malt and intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859, and to allow the Board of Commissioners to make appropriations for school house sites, and for the erection and repair of school houses.

Was read a second time and referred to the Committee on Judiciary.

No. 38. A bill entitled a bill to amend section two, four, five, six, seven, eight, nine and eleven of of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties thereof, approved March 5, 1859.

Was read a first time and referred to the Committee on Temperance.

Mr. Bundy, from the select committee on Federal Relations obtained leave and made the following report :

MR. SPEAKER:

The select committee of thirteen, to whom has been referred numerous resolutions on the state of the Union, have examined and discussed the same, and after careful and mature consideration, have unanimously instructed me to report the following resolutions, and recommend their passage :

Be it resolved by the General Assembly of the State of Indiana :

1. That the preservation of the Federal Constitution and the Union of the States are essential to our tranquility at home, and consideration abroad, and that the liberties of the people would be greatly endangered by its dissolution.

2. That the Government of the United States cannot permit any State to withdraw from the Confederacy, without violating the terms of the compact between it and the people of the States which constitute the Union.

3. That while the Constitutional rights of every State in the Union should be maintained inviolate, the authority of the National Government, acting within the powers given it by the people, must also be maintained, and the laws of Congress faithfully executed *in all the States* of the Union, and that all attempts to resist the execution of such laws are revolutionary in their character, and should be promptly suppressed.

4. That the people of Indiana are unalterably opposed to interference with the laws and institutions of any other State, just as they would oppose interference by the people of other States, with the laws and institutions of this State, that they have ever maintained their constitutional obligations, and in good faith executed the laws of Congress according to their letter and spirit, and they demand and expect every other State of the Union to do the same.

That any State having laws on her statute books designed or intended to interfere with the due execution of the laws of Congress, ought to repeal them without delay.

5. That the Federal Constitution, without alteration or amendment, is amply sufficient, if obeyed, to preserve the Union and secure the just rights of the people of all the States, but as differences of opinion

have arisen between the Northern and Southern sections of the Union respecting the common territory thereof, which threaten to involve the country in civil war, to avert so great a calamity, and to restore peace to the country, the State of Indiana proposes as a basis of settlement, by a proper enactment, to restore the Missouri Compromise line of 36 deg. 30 min., with all the rights of the people North and South as they formerly existed, or any other reasonable and just arrangement which shall not require a sacrifice of the rights of the people of any part of the confederacy.

6. That for the purposes of friendly interchange of opinion, and in order to strengthen the bonds of union and friendship, as well as to correct any misapprehension which may exist respecting the designs of Northern people against the domestic institutions of those States, his Excellency, the Governor, be hereby directed and requested to appoint two of our most eminent citizens to proceed without delay to the States of Kentucky and Tennessee, whose Legislatures are now in session, and by public addresses before those bodies or otherwise, give assurance to them of the ardent desire of the people of Indiana to preserve the American Union, and protect and secure the rights of the people of all the States.

Mr. Dobbins moved to postpone the further consideration of the report until Thursday next, at 10 o'clock A. M., and that 200 hundred copies be printed for the use of the House.

Mr. Heffren moved to amend the motion by striking out "Thursday," and inserting "Wednesday."

Mr. Sherman moved to amend by postponing the report till Tuesday next, at 10 o'clock.

Mr. Frasier moved the previous question.
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question being on the motion made by Mr. Sherman,
It was agreed to.

The question recurring on the original motion to postpone and print,

Mr. Moody called for a division of the question,
Which was ordered.

The question then being on the motion to print 200 copies,
It was not agreed to.

The question then recurring on the motion to postpone until Tuesday next, at 10 o'clock A. M.,

It was agreed to.

On motion by Mr. Heffren,

Resolved, That the Senate be invited to participate with the House in the raising of the American Flag, at 2½ o'clock P. M., to-day.

Mr. Frasier offered the following resolution:

Resolved, That Miss Caroline Richings be invited to attend, this afternoon, at 2 o'clock, and sing "The Star-Spangled Banner," at the raising of the flag upon the dome of the Capitol.

Mr. McLean moved to amend, as follows:

And that a committee of three be appointed to inform the Lady of the wish of the House upon the subject, and ask her compliance with the same

Which was agreed to.

The resolution, as amended, was then agreed to.

The Speaker appointed Messrs. McLean, Frasier and Polk, said committee.

On motion,
The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

M. Heffren, from a Select Committee, obtained leave and made the following report:

MR. SPEAKER:

The Select Committee, appointed to make arrangements for the

hoisting of the American Flag upon the dome of the Capitol, would report that they have performed that duty, and that the flag will be raised at 2½ o'clock to-day, in accordance with the following

PROGRAMME:

1. Hoisting American Flag, with appropriate music.
2. Salute of thirty-three guns.
3. Remarks by Governors Lane and Hammond.
4. Song by Miss Richings—"The Star-Spangled Banner."
5. Remarks by Messrs. Hendricks and Voorhees.
6. Recital, by Miss Richings, of Capt. Cutler's Poem—"E Pluribus Unum."
7. Review of the Military, &c., by Gov. Morton.

Message from the Senate by Mr. Tyner their Secretary

MR. SPEAKER:

I am directed by the Senate to announce to the House that the Senate has accepted the invitation of the House, to unite in the ceremonies of hoisting the American flag to the dome of the Capitol, this afternoon, at 2 o'clock.

HOUSE BILLS ON SECOND READING.

No. 39. A bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith.

Was read a second time, and,

On motion,

Was referred to the Committee on County and Township Business.

On motion by Mr. Edson,

The House adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
January 23, 1861. }

The House met.

On motion by Mr. Orr,
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. McClurg,

A petition from citizens of Clinton county, asking the repeal of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857.

Which was read and referred to the committee on County and Township business.

By Mr. Brett,

A petition from citizens of Daviess county, asking the repeal of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, and amendments thereto, approved March 5, 1859.

Which was read, and,

On motion,
Referred to the Committee on County and Township business.

By Mr. Henricks,

A petition from citizens of St. Joseph county, asking for the repeal of an act to authorize the formation of new counties, and to change county boundaries.

Which was read and referred to the Committee on County and Township business.

By Mr. Heffren,

From citizens of Washington county for an appropriation of five hundred dollars from the Swamp Land Funds to pay for the right of way on the Musatutuck river.

Which,

On motion,
Was referred to the Committee on Swamp Lands.

By Mr. Woodruff,

A petition from citizens of the State of Indiana, asking the enactment of a law for the protection fish.

Was read and referred to the Committee on Rights and Privileges.

By Mr. Prow,

A memorial for the relief of W. T. F. Blackburn, a constable of Brown township, Washington county.

Which,

On motion by Mr. Parrett,
Was laid upon the table.

On motion by Mr. Bundy,

The Order of Business was suspended to take up the message from the Senate.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following resolution :

Resolved, By the Senate, the House of Representatives concurring, that the Committee on State Prisons, in the Senate be, and is hereby, instructed to visit Michigan City, the location of the Northern Prison, in connection with such committee as the House may designate, to examine the site thereof, and to investigate such matters connected with its location and erection as to them may seem proper; and that the Treasurer of State be, and he is hereby, requested to advance such sum of money as may be necessary to bear their expenses during the trip, such sums to be finally provided for in the specific appropriation bill of this session.

Mr. Stotsenburg moved to amend as follows:

Insert after the word appoint, "which committee shall consist of three members of the select committee on the Northern Prison, to be selected by that committee."

Mr. Heffren moved to lay the amendment on the table.
Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

On Judiciary.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred a resolution of the House requesting said committee to inquire into the expediency of amending the 10th section of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, so as to give them jurisdiction to try and determine suits founded on contract and tort, where the same does not exceed three hundred dollars, have had the same under consideration, and instruct me to report that in the opinion of the committee it is inexpedient to legislate upon the subject embraced in said resolution.

Which was read and concurred in.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred a resolution of the House, instructing them to inquire into the expediency of so amending the practice act as "to require all causes appealed from the judgment of justices of the peace, to be tried and decided upon the papers, and evidence reduced to writing before the justice," have had the same under consideration, and instruct me to report that in the opinion of the committee such amendment is inexpedient.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred a resolution of the House, instructing them to inquire into expediency of granting to county commissioners the power to levy a tax for the benefit of public improvements, have had the same under consideration, and instruct me to report that in the opinion of the committee sufficient power has been conferred by existing laws upon the board of commission-

ers, and that they deem any further legislation on the subject inexpedient.

Which was read and concurred in.

Mr. Veatch, from the Committee on Judiciary, made the following report :

MR. SPEAKER :

The Committee on Judiciary, to whom was referred a resolution of the House instructing them to inquire into the Constitutionality of enacting a law providing that persons residing along turnpikes or plank road routes, may by a vote, levy a tax on the real estate within prescribed bounds for the construction of said roads, have had the same under consideration, and instruct me to report that in the opinion of the Committee, legislation on the subject is inexpedient.

Which report was read and recommitted to the Committee on Judiciary.

Mr. Gresham asked and obtained leave for the Committee on Military affairs to sit during the sessions of this House.

ON COUNTY AND TOWNSHIP BUSINESS.

Mr. Frasier, from the Committee on County and Township Business made the following report :

MR. SPEAKER :

The Committee on County and Township Business, who were instructed by a resolution of the House to inquire into the expediency of so changing the law as to require the jails of the several counties of this State to be kept by the coroners instead of the sheriffs of the said several counties, have had the matter under consideration, and have directed me to report that in their opinion such legislation would be inexpedient.

Which report was concurred in.

Mr. Frasier, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred House bill No. 4, entitled "an act to amend sections seventy and ninety-one of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection

of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, have had the same under consideration, and have directed me to report the same back with the following amendments, viz:

§
SEC. 3. And be it further enacted, that section twenty-two of said act, which reads as follows: "Each assessor shall, between the first day of January and the first day of May in each year, leave with every person required to list property for taxation, the notice and blank list, required by this act, and the assessor shall at the time of leaving the notice and blank list, receive from such person the statements required by the succeeding section, of his, her or their personal property, moneys, rights, credits, effects, and corporation stocks, held in trust or owned by such person, on the first day of January of the current year, unless such person shall require further time to make out such statements, in which case he shall give such person such further time as he may deem necessary; *provided, however,* that such further time shall not extend beyond the first day of May, be amended so as to read as follows, viz: "Each assessor shall, between the first day of January and the twentieth day of February in each year, leave with every person required to list property for taxation the notice and blank list required by this act, and the assessor shall, at the time of leaving the notice and blank list, receive from such person the statements required by the succeeding section, of his her or their personal property, moneys, rights, credits, effects, and corporation stocks, held in trust or owned by such person on the first day of January of the current year, unless such person shall require further time, as he may deem necessary; *provided, however,* that such further time shall not extend beyond the twentieth day of January."

SEC. 4. All acts and parts of acts which are inconsistent with the provisions of this act are hereby repealed.

And the said Committee recommend the further amendment of said bill by striking out the third section thereof as it now stands.

Mr. McLean moved to recommit the report and amendments to the Committee on County and Township Business.

Which was agreed to.

Mr. Ragan offered the following instructions:

To strike out March and insert April.

Which was agreed to.

Mr. Heffren asked leave of absence for the select committee on Northern Penitentiary, to visit the same.

Which was granted.

RESOLUTIONS.

Mr. Stotsenburg offered the following resolution:

Resolved, That the select committee on public printing be and they are hereby instructed to report a bill providing that the public printer shall furnish all paper necessary for the public printing, and also to provide specifically for the number of Journals, House, Senate and Documentary reports of the State officers and Benevolent Institutions, and such other modifications as may be necessary to prevent abuses in the system of public printing.

Resolved, In order that time may be given for the preparation and perfection of a proper bill on the subject of public printing that the election of a public printer be postponed until Thursday the thirty-first day of January, 1861.

Which was not agreed to.

Mr. Dobbins offered the following resolutions:

Resolved, That the Committee on the Judiciary be instructed to inquire whether there is any law in force in this State defining the offence of fornication or adultery, and that said committee report by bill or otherwise.

On motion by Mr. Smith of Bartholomew,

The resolution was laid upon the table.

On motion by Mr. Woodhull,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of paying to the officers and witness in all criminal prosecutions, whether the State sustains the action or not, the same fees and expenses as are paid in other cases for services, and that they be instructed to report by bill or otherwise.

On motion by Mr. Robbins,

Resolved, That the Committee on Rights and Privileges be instructed to inquire into the expediency of requiring a residence of sixty days in the county, and not less than thirty in the township or precinct in which any voter of this State may offer to vote, and report to the House by bill or otherwise, at as early a day as practicable.

Mr. McLean offered the following preamble and resolutions:

WHEREAS, The people of Indiana, without distinction of party, and utterly rejecting all desire to force new party opinions upon the country at this time, in view of the fact that the peace, prosperity and happiness of the people are endangered, the harmony of the States disturbed, and the continuance of the Federal Union itself threatened with dissolution; and, also, in view of the fact that in no part of the country have the people a deeper and more lasting interest in the preservation of the Union than the people of the State of Indiana, whose people have ever sought a market at the South, as well as at the North, and believing that our people, both from conviction and duty, desire to maintain friendly relations with all sections of the country and to preserve the Federal compact in the spirit in which it was made and established by our fathers. Therefore,

Resolved, That it is the highest aim and most imperative duty of patriotism and philanthropy, to preserve the Union of the States in all its integrity, and maintain the Federal compact in its spirit; and that in the true and honest sentiment of fraternal love and justice, as well as fidelity to the National Union, it is demanded that we use all honorable means and exert every rightful power to defeat the purposes of those whose spirit and acts endanger the one or impair the other.

Resolved, That it is the duty of all good citizens of all parties and sections to urge upon Congress a *prompt* and *liberal* settlement of the questions which now divide and separate the North and South, and by concession, compromise, and a tolerant indulgence of every practical interest, give assurance to the complaining States that no wrong is intended to their material interests by the present or incoming administrations; and that such amendments should be made to the Federal Constitution as will forever banish from the Halls of Congress, and from the political contests of this country the exciting discussions which appertain to African slavery.

Resolved, That Indiana has ever been faithful to the requirements of the Federal Constitution, and we repel with a proper spirit of indignation, the charge that any of our laws have ever been framed with the purpose of impeding or nullifying any law of Congress, or any enactment made in pursuance of the Constitution of the United States.

Resolved, That we are warmly attached to the Federal Constitution; that we do not recognize in the diversity of our institutions any cause of conflict between different States, but, on the contrary, we deem the varieties of climate, soil, productions, domestic institutions, industry, modes of thought throughout our widely extended country,

grounds of a more lasting and perfect union, and that we regard its dissolution, in whole or in part, as eminently disastrous to all our interests, and as destructive of civil and religious liberty throughout the world.

Resolved, That we deny the constitutional right of any State, or any portion of the people thereof, to secede from the Union, and that we are equally opposed to nullification at the North and secession at the South as violative of the Constitution of the United States.

Resolved, That while we recognize the power and duty of the Federal Government to protect the property of the United States by all constitutional means; yet as the employment of military force by the Federal Government to coerce submission of the seceding States, will eventually plunge the country into civil war and forever prevent the accommodation of the fearful issue now before the country, we, therefore, earnestly entreat not only the Federal Government but the seceding States, to stay the hand of military force till the people of all the States can be heard from and the voice of reason and patriotism shall take the place of passion, violence, and the bloody arbitrament of the sword.

Resolved, That it is the prompting of patriotism, and the dictate of wisdom, to make an earnest attempt to save the Union by conciliation and concession; and therefore, in the spirit of compromise, we are willing to accept the amendments of the Constitution proposed by the members of Congress from the Border States, or *any other* fair measure, which shall be satisfactory to the States composing the American Union, believing that mere personal opinions should now bend to the overruling necessity of preserving the Government from dissolution.

Resolved, That it is the duty of the Legislature of every State in the Union, which passed laws to obstruct or embarrass the return of fugitive slaves, or to set at defiance any laws of Congress on that subject, to immediately repeal all such laws or enactments, and to re-establish thereby fraternal feelings in all sections of the country.

Resolved, That, should Congress be unable to agree on any just compromise, or fail for any reason to do so, it is the duty of the Legislature now in session to provide by law for a convention of the people of this State, to the end that delegates may be appointed to a convention of the Border States, slave and free, and the position authoritatively declared which Indiana shall assume in the perilous crisis now upon the country.

Resolved, That the free navigation of the Mississippi, and the use of it as a public highway for the north-west, can never be surren-

dered, and that we will do all that can be done to leave that right for the generations which may follow us, and bequeath it to our children as the legacy of their fathers—it was the highway of *our* fathers, it must be that of our sons.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to our Senators and Representatives in Congress, and that they be requested to present the same to the bodies of which they are members, and advocate the plan of adjustment herein proposed.

Which were read and referred to the Select Committee of Thirteen on Federal Relations.

On motion by Mr. Orr,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency and propriety of passing a law forbidding the intermarriage of persons within the fourth degree of consanguinity in the collateral lines, and report by bill or otherwise.

On motion by Mr. Packard,

Resolved, That the Committee on Penitentiary be instructed to inquire into the expediency of erecting a house of correction, for the punishment of juvenile offenders.

On motion by Mr. Robbins,

Resolved, That the Committee on Benevolent Institutions be instructed to inquire into the expediency of enlarging the Asylum for the Insane, by the construction of the right wing, as recommended by the Superintendent of that Institution, and to report to this House, by bill or otherwise.

On motion by Mr. Coopridge,

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of so amending the law now regulating the assessment of personal property for taxation, and creating a Board of Equalization, to equalize the valuation thereof, so as to require the several township assessors, together with the county auditors, to meet at said auditor's office in each county in this State, on the first day of January in each year, and then and there determine the valuation of all several grains, pork, bacon, hay, and all other leading articles of personal property, so far as the same may be made general. Be it further

Resolved, That the committee inquire into the expediency of so amending the law as to exempt the property of widow-women to the amount of three hundred dollars, from taxation.

On motion by Mr. McLean,

Resolved, That the thanks of this House be tendered to Miss Caroline Richings, for her kind compliance with the resolution of the House yesterday, in her admirable singing of the national ode, "The Star-Spangled Banner," and her beautiful recitation of the patriotic poem, "E pluribus Unum."

On motion by Mr. Woods,

Resolved, That the Committee on Education be requested to inquire into the expediency of amending the school law so that the trustee shall *equally divide* the public moneys in his township for school purposes, amongst all those schools requiring but one teacher, and that those schools having (25) twenty-five pupils, or under, in attendance shall be considered as schools requiring but one teacher; and that for every (10) ten pupils over (25) twenty-five in attendance at any one school-house, shall receive ($\frac{1}{4}$) one-fourth more money than those schools requiring but one teacher, and for any less number than (10) ten in attendance over (25) twenty-five shall receive in proportion and in the same ratio. The number in attendance shall be the average attendance, certified to by oath or affirmation by the teacher of said school. No pupil to be counted as "in attendance," unless said pupil was enumerated and attached to such school according to law, and report by bill or otherwise.

A message from the Senate by Mr. Tynner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 59. An act to amend section first of an act, entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent herewith," approved March 5, 1859.

On motion by Mr. Robbins,

Resolved, That the Committee on Rights and Privileges be request-

ed to inquire into the necessity of the passage of some bill or joint resolution preventing mulattoes and negroes from attending the Common Schools of this State, if no such law now exists, and report to this House by bill or otherwise.

Mr. Brucker offered the following resolutions:

Be it resolved by the General Assembly of the State of Indiana:

WHEREAS, The States of Michigan and Illinois have a school tax of two mills on the dollar, and the State of Ohio has a tax of one mill and a half on the dollar, and as it would be unpatriotic to fear that the people of the State of Indiana would deny their children an equal amount of instruction to that of our neighboring States, and whereas, the the money paid for schools is only saving money, as in the reverse case it would have to be paid doubly for prisons; therefore, be it

Resolved, That the Committee on Public Instruction report a law which will raise the present inefficient tax of one mill, and by which the schools can only be open for three months in the year, to two mills on the dollar.

Mr. Bundy moved to amend by instructing that the committee "to inquire into the expediency."

Which was agreed to.

The resolution as amended was then adopted.

On motion by Mr. Ragan,

Resolved, That the Committee of Ways and Means be and they are hereby instructed to inquire into the expediency of so amending the law in regard to the collection of revenue as to make it imperative upon county treasurers to send out their deputies and make all possible effort to collect the revenue previous to the return of delinquency, and damage of ten per cent. as now required.

On motion by Mr. Veatch,

Resolved, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the law in relation to the duty of county treasurers that the said treasurer shall not be required to visit the several townships for the purpose of collecting taxes.

On motion by Mr. Stotsenburg,

WHEREAS, It is expedient and proper that some action should be had by the General Assembly of the State of Indiana, amendatory of the law on the subject of the pardoning power, in order to prevent the abuse thereof, therefore,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency and propriety of amending the law on the subject of the pardoning power, that under the 17th section of article 5 of the Constitution of Indiana, a council composed of officers of State may be appointed, without whose advice and consent the Governor shall not grant pardons; and also to provide that, in all applications for a pardon, full notes of the testimony certified to, be such by the judge before whom the convict was tried, must be furnished to the pardoning power, before any action can be had upon applications for pardon.

On motion by Mr. Hall,

Resolved, That the Committee of Ways and Means be requested to inquire whether further legislation would be necessary to prevent the overdrawing of appropriations that may be made by the Legislature from time to time, and report at as early a day as practicable.

On motion by Mr. Williams,

Resolved, That the Committee on Benevolent Institutions be instructed to inquire into the expediency of providing an Asylum for Inebriates, at some central place in this State, and to report by bill or otherwise.

Mr. Thompson offered the following resolution :

Resolved, That the Committee on Banks be instructed to inquire into the expediency of increasing the Branches of the Bank of the State of Indiana, and report by bill or otherwise.

Mr. Smith, of Bartholomew, moved to lay the resolution on the table,

Which was agreed to.

BILLS INTRODUCED.

By Mr. Williams,

House bill No. 85. A bill to amend the title of an act, entitled "An act to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges," approved March 3, 1855.

Which was read a first time, and passed to a second reading.

By Mr. Moss,

House bill No. 86. A bill to amend section eight and section ten of an act, entitled "An act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Which was read a first time and passed to a second reading.

By Mr. Orr,

House bill No. 87. A bill exempting all parsonages from taxation, and repealing all laws in conflict with this act.

Which was read a first time, and passed to a second reading.

By Mr. Packard,

House bill No. 88. A bill to repeal section thirteen of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases.

Which was read a first time and passed to a second reading

By Mr. Roberts,

House bill No. 89. A bill to amend the ninth section of an act, entitled "An act to amend an act to authorize and regulate the business of general banking in the State of Indiana, so as to make a copy of the certificate of the auditor of State a sufficient cause of action, and the certificate itself *prima facie* evidence in suit against banking associations, and individual stockholders thereof, or either or any of them, in certain cases therein named.

Which was read a first time and passed to a second reading.

By Mr. Turner,

House bill No. 90. A bill to provide for the registering of voters, to prevent corruption at elections and to define what is the residence of voters.

Which was read a first time, and passed to a second reading.

By Mr. Knowlton,

House bill No. 91. A bill to amend an act approved January 27, 1847, entitled an act to amend an act entitled an act to incorporate the Bel River Seminary Society, approved January 1, 1829, and for other purposes, to amend the second section of said act, to repeal the third, fifth and eighth sections, to clothe said Society with additional powers, to provide for the increase of stockholders, the election of

five trustees, as sole managers of the affairs of said Society, and their term of office, and the effect of a failure to elect, and to confirm the act of the Board of Commissioners of Cass county in releasing to the stockholders of said Society all the interest of said county in the Society's property and revenues, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation.

Which was read a first time and passed to a second reading.

By Mr. Gifford,

House bill No. 92. A bill prescribing the duties of clerks, justices, auditors and treasurers, in reference to jury fees, fines, forfeitures, and unclaimed fees, and repealing all laws in conflict herewith.

Which was read a first time, and passed to a second reading.

By Mr. Collins,

House bill No. 93. A bill to apportion Senators and Representatives for the next six years.

Which was read a first time and passed to a second reading.

Mr. Bundy moved to suspend the order of business, and take up message from the Senate.

Which was agreed to.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following concurrent resolution thereof, to-wit:

Resolved, That the General Assembly (the House of Representatives concurring,) proceed at two o'clock P. M., this day, to elect, in such manner as the two Houses may determine, a State Printer who shall serve two years, next, from and after his election and qualification; the General Assembly reserving, however, the right to abolish said office, change the rate of compensation, or otherwise legislate concerning the public printing at pleasure; and the person elected shall, before entering upon the discharge of the duties of his office, file in the office of the Secretary of State his consent in writing to the reservation of power herein reserved to the General Assembly, and the sureties on his official bond shall file a like consent in said office.

In which the concurrence of the House is respectfully requested.

The question being on concurring in the resolution,

Gresham and Collins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bundy, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Harvey, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Nebeker, Newman, Orr, Prow, Ragan, Randall, Smith of Bartholomew, Thomas, Thompson, Turner, Underwood, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Atkinson, Boydston, Brucker, Combs, Coopridger, Davis, Dobbins, Edson, Ferguson, Fleming, Ford, Gifford, Gresham, Hayes, Holcomb, Horton, Howard, Kitchen, Knowlton, Lods, McClurg, McLean, Moorman, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Robbins, Roberts, Sloan, Stevenson, Stotsenburg, Trier, Veatch and Warrum—38.

So the message of the Senate was concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Nebeker,

Resolved, That the Senators be invited to attend in the Hall of the House at two o'clock P. M., to elect a State Printer, and that seats be provided for them on the right of the Speaker's Chair.

Mr. Anderson obtained leave of absence till Monday evening next.

On motion by Mr. Woodhull,

The House adjourned till 2 o'clock P. M.

2 O'CLOCK P. M.

The House met.

Leave of absence was granted to Mr. Knowlton.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to announce to the House of Representatives that the Senate has concurred in the following resolution of the House, to-wit:

Resolved, That the Senators be invited to attend in the Hall of the House at 2 o'clock, P. M. this day to elect a State Printer, and that seats are provided for them on the right of the Speaker's Chair.

Mr. Bundy demanded a call of the House.
Which was ordered.

The clerk proceeded to call the roll, when the following members answered to their names:

Messrs. Anderson, Atkinson, Black, Boydston, Brucker, Bryan, Bundy, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Hays, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—82.

On motion by Mr. Prosser,
The further call of the House was suspended.

Mr. Orr offered the following resolution:

Resolved, That the Doorkeeper be instructed to ascertain the board-

ing house of the members of this House in order to facilitate business should it become necessary to send for absentees.

Mr. Bundy moved to lay the resolution on the table.
Which was agreed to.

On motion by Mr. Edson,

Resolved, That the Senate be invited to appear in the Hall of the House instanter, for the purpose of going into the election of State Printer.

Ordered, That the Clerk inform the House.

The hour for the meeting of the Joint Convention of the two Houses of the General Assembly having arrived, the Senate, preceded by Senator Cravens, President *pro tem.*, appeared in the Hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the Joint Convention to order, the President of the Senate announced that the General Assembly were met in Joint Convention, pursuant to a concurrent resolution of both branches thereof, for the purpose of electing a State Printer.

Senator Newcomb nominated Berry R. Sulgrove.

Senator Williams nominated Joseph J. Bingham, of Marion county.

Those who voted for Berry R. Sulgrove were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, De Hart, Dickinson, Grubb, Hull, Mellett, Miller, Murray, Newcomb, Robinson, Steele, Stone, Teegarden, Turner, Wagner and White, of the Senate, and

Messrs. Anderson, Boydston, Brucker, Bryan, Bundy, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Harvey, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker of the House of Representatives—80.

Those who voted for Joseph J. Bingham were,

Messrs. Carnahan, Conley, Hamilton, Johnston, Jones, Landers, Lomax, O'Brien, Odell, Ray, Shields, Shoemaker, Shoulders, Williams, and Wilson of the Senate, and

Messrs. Atkinson, Black, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Gifford, Hayes, Holcomb, Howard, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Roberts, Smith of Bartholomew, Stephenson, Stotsenburg, Trier and Warrum, of the House of Representatives—47.

Berry R. Sulgrove having received a majority of all the votes cast, by the General Assembly, was declared by the President of the Joint Convention, duly elected State Printer, for the term of two years from and after his election.

The business for which the Joint Convention was called together having been transacted, the President declared it adjourned *sine die*.

The Senators retired to their Chamber.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 40. A bill to amend the third section of an act, entitled, "An act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a second time, and

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 41. A bill to amend the 12th section of an act, entitled "An act to authorize the construction of levees and drains," approved June 12th, 1852.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 42. A bill to authorize the Gibson County Circuit Court to hear testimony and make decree in reference to the erection and sale of the County Seminary of said county.

Was read a second time, and ordered to be engrossed.

No. 43. A bill to repeal an act, entitled "An act regulating the license of pilots at the Falls of Ohio, requiring bond and security of such pilots prohibiting any unlicensed persons from acting as such pilots, and providing for the compensation of such pilots and the revocation of their license," approved June 15, 1852. Also, to repeal an act, amendatory thereof, entitled "An act to amend section third of the above entitled act, approved December 22d, 1852.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 44. A bill to amend the first section of an act, entitled "An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence and gone to parts unknown," approved March 5, 1859.

Was read a second time, and ordered to be engrossed.

No. 45. A bill to regulate insurance companies not incorporated by the State of Indiana.

Was read a second time.

Mr. Packard offered to amend as follows: After the words one hundred thousand dollars, in sec. 3, shall have first deposited twenty-five thousand dollars as security for the payment of all losses, with the Treasurer of State.

Mr. McLean moved to refer the bill and amendment to the select committee of five, to whom was referred so much of the Governor's Message as relates to foreign and domestic insurance companies.

Which was agreed to.

No. 46. A bill to legalize the acts and proceedings of certain special terms of the Circuit Court.

The question being on ordering the bill to be engrossed,

Messrs. Stotsenburg and Frasier demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Brucker, Bundy, Campbell, Cason, Collins of Adams, Collins of Whitley, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Ran-

dall, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Black, Combs, Coopridger, Dobbins, Ferguson, Fleming, Harvey, Hayes, Howard, McClurg, Owens, Sloan and Stotsenburg—13.

So the bill was ordered to be engrossed.

No. 47. A bill to amend the 29th section of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers thereto," approved March 5, 1859.

Was read a second time, when

Mr. Woodhull offered the following instructions:

"Strike out the word November, and insert July."

On motion,

The bill and instructions were referred to the Committee on County and Township Business.

No. 48. A bill supplemental to an act, entitled "An act regarding estrays and articles adrift," approved June 16, 1852.

Was read a second time, and

On motion,

Referred to the Committee on Agriculture.

No. 49. An act to prevent hogs running at large without a ring in the nose.

Was read a second time, and

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 50. A bill to repeal an act, entitled "An act to provide for the return of the jury in the Common Pleas Court at the third day of the term," approved March 5, 1859.

Was read a second time, and

On motion,

Referred to the Committee on the Organization of Courts of Justice.

No. 51. A bill to fix the time for holding the Circuit Courts in the Eighth Judicial Circuit, and repealing all laws in conflict therewith.

Was read a second time, and

On motion,

Referred to a special committee of one from each county in the Eighth Judicial District.

No. 52. A bill to authorize justices of the peace to administer any oath required by law.

Was read a second time, and ordered to be engrossed.

No. 53. A bill to amend the sixth section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 54. A bill to repeal the one hundred and thirteenth section of an act, entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters and property connected therewith, and to establish township libraries, and for the regulation thereof, approved March 1, 1855.

Was read a second time, and,

On motion,

Referred to the Committee on Education.

No. 55. A bill to provide for fencing across county or township roads.

Was read a second time, and

On motion,

Referred to the Committee on Roads.

On motion by Mr. Frasier,

The House adjourned until to-morrow morning, at 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 24, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Lane,
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Moody,

A memorial from Amzi B. Condit and others, to amend the law relative to re-locating county seats.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Crain,

A petition from sundry citizens of Parke county, asking for the repeal of the law for the formation of new counties, &c.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Woodhull,

A petition from citizens of Steuben county, asking the abolition of the county treasury system in Indiana.

Was read, and,

On motion,

Referred to the Committee on County and Township Business.

By Mr. Black,

A petition from citizens of Dubois and Orange Counties, for a change in the boundary between said counties.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Bundy,

A memorial signed by Andrew J. Gray, of Dearborn county, on the subject of a certain claim therein named.

Which,

On motion,

Was referred to the Committee on Claims.

By Mr. Woodruff,

A petition from sundry citizens of Wayne county, on the subject of the game law.

Which,

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

RESOLUTIONS

On motion by Mr. Stotsenburg,

Resolved, That the Committee on Fees and Salaries be, and they are hereby directed to inquire into the expediency and propriety of providing some compensation for justices of the peace, for their services in the trial of criminal causes, and that they report upon said matters to this House, by bill or otherwise.

Mr. Collins, of Adams, offered the following resolution:

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of expending the road tax collected by county treasurers, in the road district from which the same was collected.

Which was read and referred to the Committee on County and Township business.

On motion by Mr. Fisher,

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of requiring keepers of stallions to procure a license, and that the money received from such licenses be appropriated to county agricultural societies, and that said committee be requested to report by bill or otherwise.

Mr. McLean offered the following resolution:

WHEREAS, The duties of the office of Canal Trustee, upon the part of the State, have become almost nominal, in consequence of the partial abandonment of the canal, therefore, be it

Resolved, That the Committee on Canals be requested to inquire into the expediency of reducing the salary of said office.

Which was referred to the Committee on Canals.

On motion by Mr. Prow,

Resolved, That the Committee on County and Township Business inquire into the expediency of so remodeling the assessor's law, as to make it the duty of township assessors to meet the citizens at their respective places of voting, in each township, and there receive their respective lists of taxables.

On motion by Mr. Underwood,

Resolved, That the Committee on County and Township Business be and they are hereby instructed to inquire into the expediency of reporting a bill providing that all moneys coming into the hands of supervisors for road purposes shall be expended by selling out the work to the lowest responsible bidder.

On motion by Mr. Randall,

Resolved, That the Committee on Education be requested to inquire into the expediency of so amending the school law as to make school districts bodies corporate for the transaction of all business pertaining to schools therein; and that said Committee be further requested to inquire into the expediency of so amending said law so as to take the management of schools out of the hands of township trustees, and that they report by bill or otherwise.

On motion by Mr. Roberts,

Resolved, That the Committee on County and Township Business be instructed to take into consideration the necessity for the passage of a law authorizing the surveyors of the several counties in this State to re-survey, where it may be deemed necessary by the proper Board of County Commissioners, the original section lines, and re-establish, by suitable monuments, the section corners, where they may have become obliterated.

Resolved, That if the said Committee deem that the necessity in the foregoing resolution mentioned exists, that they be further instructed to report a bill at as early a day as practicable, limiting the time within which the survey shall be made to four years.

On motion by Mr. Wells,

Resolved, That the Committee on the Organization of Courts be instructed to inquire into the expediency of reporting a bill making it the duty of justices of the peace to hear evidence and try cases in civil suits in absence of the plaintiff.

On motion by Mr. Stevenson,

Resolved, That the Committee on Judiciary inform this House whether or not a law requiring a specified period of residence in a township to entitle any person to vote in such township or precinct, would be constitutional.

On motion by Mr. Williams,

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of amending the law regulating the construction of bridges over streams dividing two counties so as to make the cost thereof fall equal upon the taxable property of both counties.

JOINT RESOLUTIONS.

Mr. Polk offered

Joint resolution No. 22. A joint resolution on amending the Constitution of the United States.

Which,

On motion,

Was referred to the Committee on the Judiciary.

By Mr. Moody,

Joint resolution No. 23. A joint resolution directing the Auditor and Secretary of State to distribute statutes, laws reports, and other public documents to the county of Newton and other newly organized counties.

The question being,

Shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Harvey, Hayes, Henricks, Holcomb, Hopkins, Horton,

Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Weodruff and Woods—84.

No one voting in the negative.

So the joint resolution was adopted.

Ordered, That the Clerk inform the Senate thereof.

BILLS INTRODUCED.

By Mr. McLean,

No. 94. A bill touching the salary of Common Pleas Judges, and apportioning the payment of the same among the various counties of the State.

Was read a first time, and passed to a second reading.

By Mr. Hurd,

No. 95. A bill for the protection of the people against incompetency of pretended physicians and surgeons, by establishing a board of medical examiners, prescribing the duties of such board and fixing their compensation; and, also, prescribing who may practice medicine and surgery within this State and fixing a penalty for the violation of this act.

Which was read a first time, and passed to a second reading.

By Mr. Atkinson,

No. 96. A bill to repeal sections two, three, four, and five, and supplemental thereto, of "An act to provide for locating and working highways situated upon county lines."

Which was read a first time, and passed to a second reading.

By Mr. Henricks,

No. 97. A bill to amend the sixth section of an act, entitled "An act regulating the granting of divorces, nullification of marriages and decrees and orders of Court incident thereto," approved March 13, 1852, and to repeal all laws conflicting with this act.

Which was read a first time, and passed to a second reading.

By Mr. Atkinson,

No. 98. An act to amend section three of an act, entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, and supplemental to said act," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Brucker,

No. 99. A bill to amend an act providing for the safe-keeping of the public money.

Which was read a first time, and passed to a second reading.

By Mr. Black,

No. 100. A bill authorizing Township Trustees to assign certificates of purchase of saline lands which were purchased with district school funds by the inhabitants of school districts in Congressional Townships for school-house site.

Which was read a first time, and passed to a second reading.

By Mr. Jones of Tippecanoe,

No. 101. A bill to repeal the second section of an act, entitled "An act to amend the first section of an act providing for extending the term of Circuit Courts, by adjournment, when the pending business shall be unfinished, approved Feb. 12, 1855, to authorize the Court or Judge to call and hold special term, and to fix the compensation of the Judge for holding adjourned and special term, and of prosecuting attorneys, while in attendance upon the same," approved Dec. 24, 1858.

Which was read a first time, and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 56. A bill to repeal an act entitled "an act prescribing the duties and fixing the compensation of State Agent.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 57. A bill to amend the first, second, third, fifth and sixth, sections of an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location," approved March 2, 1855.

Was read a second time, when

Mr. Moody offered the following instructions to the Committee:

The number of legal voters in said county shall be taken and held to be the same as the number of votes polled in said county at the last preceding Congressional election.

On motion,

The bill and instructions were referred to the Committee on County and Township business.

No. 58. A bill to repeal an act entitled "an act to amend section forty-two of an act entitled an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof, approved March 5, 1859.

Was read a second time, and

On motion,

Referred to Committee on Organization of Courts of Justice.

No. 60. A bill providing for the deposit of bonds and freehold securities by the several railroad companies within this State with the county auditors in the counties in which the principal officers of said railroad companies are situate, and with the auditor of Knox county within this State where the principal office is without this State, and declaring the conditions thereof, and prescribing the penalties for failure to comply with the provisions of this act, and giving owners of stock killed by said railroads, a lien upon said securities.

Was read a second time, when

Mr. Dobbins offered the following instructions to the committee:

Amend by adding section — :

"It shall be the duty of the auditors of the several counties in which said securities are deposited, as provided in this act, to record the same in their respective offices, and forthwith, after such bonds and securities are so recorded, it shall be the duty of said auditors to forward a certified copy of the bonds and securities to the several auditors of the several counties in this State through which said railroads run; and it shall be the duty of said auditor to record the same upon the receipt thereof."

Mr. Stotsenburg offered the following instructions to the committee:

In section —, strike out Ohio and Mississippi Railroad Company, and insert all railroad companies having no office in the State.

On motion,

The bill, with instructions, were referred to the Committee on Rights and Privileges of the Inhabitants of the State.

No. 61. A bill defining who shall be qualified voters at district school meetings, and in the selection of district director, and in the selection and dismissal of school teachers, and repealing all laws, or parts of laws, in conflict with this act.

Was read a second time, and

On motion,

Referred to the Committee on Education.

No. 62. A bill to authorize the Bank of the State of Indiana to lay off and create five additional Bank districts, and to locate and establish branches therein.

Was read a second time.

Mr. Stotsenburg moved to refer to the Committee on Banks, with the following instructions:

Resolved, That the Committee on Banks be, and they are hereby, instructed to report the following, or the substance thereof, as an amendment to said bill:

But the privilege to establish such additional branches is granted only upon the compliance of the Bank of the State of Indiana, its President and Directors, and of the President and Directors of each Branch thereof, with the following condition, precedent, viz: that the President and Directors of the Bank of the State of Indiana, and the President and directors of each Branch thereof, shall consent to the repeal of that part of the 15th section of an "Act to establish a Bank with Branches," passed March 5, 1855, which provides that the capital stock of said Bank and Branches shall not be taxable for municipal purposes.

Mr. Dobbins offered the following further instructions:

And that said Bank shall surrender any right to take a greater interest than 6 per cent., nor use over one-third of her capital in bills of exchange, and that the balance shall be used in the regular discount line, payable at some other Branches within this State.

Mr. Smith of Bartholomew, moved that the bill and amendments be laid on the table.

And on that motion,

Messrs. Smith of Bartholomew and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridge, Davis, Dobbins, Edson, Epperson, Ferguson, Fleming, Ford, Fordyce, Gifford, Hall, Hayes, Holcomb, Horton, Howard, Hudson, Jones of Vermillion, Kitchen, Lods, Lee, Lightner, McClurg, McLean, Mutz, Packard, Pitts, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Trier, Warrum—40.

Those who voted in the negative were,

Messrs. Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Crain, Dashiell, Erwin, Feagler, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Henricks, Hopkins, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Polk, Ragan, Randall, Sloan, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—49.

So the motion did not prevail.

On motion by Mr. Orr,

The bill and pending amendments were laid on the table, and made the special order of the day for Thursday next, at 2 o'clock, P. M.

No. 63. A bill to repeal an act, entitled "An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor," approved Feb. 23, 1859.

Was read a second time, and

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

On motion by Mr. Woodhull,

The House adjourned till 2 o'clock P. M.

2 O'CLOCK P. M.

The House met.

HOUSE BILLS ON SECOND READING.

No. 64. A bill authorizing aliens to hold lands in the State of Indiana, by purchase or otherwise.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 65. A bill to repeal an act entitled "An act touching gaming contracts.

Was read a second time, and

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 66. A bill to amend section 476 of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 67. A bill in relation to fences along railroad lines, and to killing or injuring stock on railroads.

Was read a second time, and

On motion,

Referred to the Committee on Agriculture.

No. 68. A bill to amend section 466 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 69. A bill to amend an act providing for serving process upon the officers, directors, attorneys or agents of any railroad company, approved March 4, 1853.

Was read a second time, when

Mr. Collins moved to amend by striking out 15 days and inserting 20 days.

Which was not adopted.

On motion,

The bill was ordered to be engrossed.

No. 70. A bill supplemental to section one of an act providing for the election or appointment of Supervisors of Highways, &c., approved June 18, 1852.

Was read a second time, and,

On motion,

Was referred to the Committee on Roads.

No. 71. A bill to amend section fourteen of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 72. A bill for the recovery of personal property, providing for an execution against the body, and repealing all acts in conflict therewith.

Was read a second time, and referred to the Committee on the Judiciary.

No. 73. A bill to provide for the collection, safe keeping and disbursement of public money.

Was read a second time, when Mr. Stotsenburg moved the following instructions to the committee: Insert after words "gold and silver," or "notes of specie banks of Indiana."

On motion,

The bill and pending instructions were referred to the Committee on the Judiciary.

On motion by Mr. Branham,

The following message was taken from the table.

A message from the Governor, by Mr. Holloway, Executive Messenger.

EXECUTIVE DEPARTMENT, }
January 24, 1861. }

To the House of Representatives of the State of Indiana:

I learn from the Hon. N. Cunningham, Treasurer of State, that there are not more than \$5,000 in the State Treasury. The Legislature will at once perceive the necessity of making some provision whereby the current expenses of the State government can be paid, and the credit of the State preserved. It is estimated that \$40,000 will be sufficient to meet all the expenses of the government, until such times as a sufficient amount of State tax can be collected from the various counties. As the law stands, the county treasurers are not required to make their settlements with the State Treasurer until the second Monday of April, and the result is that only a small part of the State tax is paid in until that time. The eleventh section of the act passed March 1, 1859, to provide a general treasury system, provides that the Treasurer of State may, at any time, call upon the county treasurers to pay into the State Treasury any money in the treasury of any county, belonging to, or due the State; but as there is no penalty provided in the act for failure to comply with the requisition of the State Treasurer, it has, I learn been generally disregarded. There are, no doubt, large sums of money in the various county treasuries, belonging to the State, which if paid over, would relieve it of all embarrassment, and dispense of the necessity of making loans to meet the ordinary expenses of the Government. I therefore recommend that the act of March 1, 1859, before referred to, be so amended as to enable the State Treasurer, whenever in his opinion the exigencies of the State required it, to call upon the various county treasurers to pay over to the State Treasurer whatever monies they may have on hand, belonging to the State, and prescribing suitable and proper penalties for failing to comply with such requisition. In this way I think adequate provision may be made to meet any temporary loan contracted to meet the deficiencies in the Treasury. There are two sources from which the money may be obtained, from the Bank of the State, and the Sinking Fund. The officers of the Bank express their readiness to furnish the money if called for, and the President of the Sinking Fund informs me that he has now on hand some \$80,000 belonging to that Fund, which he has held back from distribution to the various counties, at the suggestion of the State Officers that it would probably be required to supply deficiencies in the State Treasury.

As to the source from which the money should be obtained, I have no other recommendation to make than this, that if it be the purpose of the State to continue the distribution of the Sinking Fund to the counties, as provided by the act, March 1, 1859, the loan should be made from the Bank, and the distribution be allowed to proceed as provided by law. The act of May 27 1852, authorizing the Governor, Auditor and Treasurer of State to borrow money, does not meet

the present case, as it only confers authority to borrow money to pay the interest on the State debt. I therefore recommend that the Governor, Auditor and Treasurer of State, be authorized to make such temporary loan, or loans, not to exceed \$50,000, as may be necessary to defray the expenses of the State until the receipts in Treasury be sufficient therefor.

OLIVER P. MORTON, *Governor*.

On motion by Mr. McLean.

The message was referred to the Committee on Ways and Means.

No. 74. A bill to amend an act, entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws controvening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Was read a second time, and

On motion,

Referred to the Committee on Temperance.

No. 75. An act to amend the four hundred and twelfth section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 76. An act to amend section one of an act authorizing County Recorders and County Surveyors to issue fee bills, approved March 5, 1855.

Was read a second time, and

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 77. A bill to amend the sixth section of an act, entitled "An act to incorporate the St. Joseph Iron Company," and to repeal the seventh, eighth, ninth, tenth, eleventh, and twelfth sections thereof, approved January 22, 1835.

Was read a second time, and

On motion,

Referred to the Committee on Corporations.

No. 78. A bill to authorize the Board of Commissioners to exempt

the property of widows from taxation, when it does not exceed three hundred dollars in value.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 79. A bill to amend an act, entitled "An act to provide for the appointment of a Sheriff of the Supreme Court, and prescribing certain of his duties and fees," approved May 13, 1852, and to repeal all laws inconsistent therewith.

Was read a second time.

Mr. Dobbins moved to amend by striking out the emergency clause.

Which was not agreed to.

The bill was then referred to the Committee on Benevolent Institutions.

Mr. McLean moved to reconsider the vote to order House bill No. 78 to be engrossed.

Which was agreed to.

The bill was then referred to the Committee on Judiciary.

No. 80. A bill to prevent the emigration from any other State, or from one county or township in this State, for the purpose of voting, influencing, or carrying elections in such other county or township, and prescribing penalties against persons so engaged, and against persons aiding, abetting, counseling, or in any manner engaged therein, and to repeal the act approved March 6, 1857, on the same subject.

Was read a second time and referred to the Committee on Elections.

No. 81. A bill to quiet the title to a piece of ground in Vanderburg county, known as the east half of out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on part of the north-west quarter of section No. 29, in township 6, south of range 10 west.

Was read a second time, and,

On motion,

Ordered to be engrossed.

No. 82. A bill entitled an act to amend the seventh section of an act entitled an act to incorporate the South Bend Manufacturing

Company, and to repeal the ninth section of the same, approved Dec. 28, 1842.

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

No. 84. A bill regulating interest on money, and to repeal an act entitled an act concerning interest on money, approved May 27, 1852, and all other laws, also, or parts of laws, in conflict with this act.

Was read a second time.

Mr. Underwood offered the following instructions:

“To amend so as to strike out all that relates to a higher rate of interest than six per cent.

Which,

On motion by Mr. Nebeker,

Was referred to Committee on Rights and Privileges.

No. 85. A bill to amend the title of an act, entitled “An act to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges.”

Was read a second time, and

On motion,

Was referred to the Committee on Judiciary.

On motion by Mr. Stotsenburg,

The order of business was suspended in order to take up message from the Governor.

Message from the Governor by Mr. Holloway, Executive Messenger.

EXECUTIVE DEPARTMENT, }
January 21, 1861. }

To the House of Representatives:

I have received from the Governor of the State of Virginia certain resolutions passed by the Legislature of that State having relation to the troubles that now afflict the nation, which I herewith transmit and lay before your honorable body.

OLIVER P. MORTON,
Governor.

EXECUTIVE DEPARTMENT, RICHMOND, }
January 20, 1861. }

SIR: I have the honor to transmit herewith resolutions adopted by the General Assembly of Virginia, on yesterday.

Very Respectfully,

JOHN LETCHER.

PREAMBLE AND RESOLUTIONS,

Adopted by the General Assembly of Virginia, January 19, 1861.

WHEREAS, It is the deliberate opinion of the General Assembly of Virginia, that unless the unhappy controversy which now divides the States of this Confederacy shall be satisfactorily adjusted, a permanent dissolution of the Union is inevitable; and the General Assembly, representing the wishes of the people of the Commonwealth, is desirous of employing every reasonable means to avert so dire a calamity, and determined to make a final effort to restore the Union and the Constitution in the spirit in which they were established by the fathers of the Republic; therefore,

Resolved, That, on behalf of the Commonwealth of Virginia, an invitation is hereby extended to all such States, whether slaveholding or non-slaveholding, as are willing to unite with Virginia in an earnest effort to adjust the present unhappy controversies, in the spirit in which the Constitution was originally formed, and consistently with its principles, so as to afford to the people of the slaveholding States, adequate guaranties for the security of their rights, to appoint Commissioners to meet on the 4th day of February next, in the city of Washington, similar Commissioners appointed by Virginia, to consider, and, if practicable, agree upon some suitable adjustment.

Resolved, That Ex-President John Tyler, William C. Rives, Judge John W. Brockenbrough, George W. Summers and James A. Seddon are hereby appointed Commissioners, whose duty it shall be to repair to the city of Washington, on the day designated in the foregoing resolutions, to meet such Commissioners as may be appointed by any of said States in accordance with the foregoing resolution.

Resolved, That, if said Commissioners, after full and free conference, shall agree upon any plan of adjustment requiring amendments of the Federal Constitution for the further security of the rights of the people of the slaveholding States, they be requested to communicate the proposed amendments to Congress, for the purpose of having the same submitted by that body, according to the forms of the Constitution, to the several States for ratification.

Resolved, That if said Commissioners cannot agree on such adjust-

ment, or if agreeing, Congress shall refuse to submit for ratification such amendments as may be proposed, then the Commissioners of this State shall immediately communicate the result to the Executive of this Commonwealth, to be by him laid before the Convention of the people of Virginia and the General Assembly; provided that the said Commissioners be subject at all times to the control of the General Assembly, or, if in session, to that of the State Convention.

Resolved, That in the opinion of the General Assembly of Virginia, the propositions embraced in the resolutions presented to the Senate of the United States by the Hon. John J. Crittenden, so modified as that the first article proposed as an amendment to the Constitution of the United States shall apply to all the territory of the United States now held, or hereafter acquired, south of latitude thirty-six degrees and thirty minutes, and provide that slavery of the African race shall be effectually protected as property therein during the continuance of the territorial government, and the fourth article shall secure to the owners of slaves the right of transit with their slaves between and through the non-slaveholding States and territories, constitute the basis of such an adjustment of the unhappy controversy which now divides the States of this confederacy as would be accepted by the people of this commonwealth.

Resolved, That ex-President John Tyler is hereby appointed, by the concurrent vote of each branch of the General Assembly, a commissioner to the President of the United States, and judge John Robertson is hereby appointed, by a like vote, a commissioner to the State of South Carolina and the other States that have seceded, or shall secede, with instructions respectfully to request the President of the United States, and the authorities of such States, to agree to abstain, pending the proceedings contemplated by the action of this General Assembly, from any and all acts calculated to produce a collision of arms between the States and the Government of the United States.

Resolved, That copies of the foregoing resolutions be forthwith telegraphed to the Executives of the several States, and also to the President of the United States, and that the Governor be requested to inform, without delay, the commissioners of their appointment by the foregoing resolutions.

A copy from the Rolls.

WM. F. GORDON,
C. H. D. & K. R. of Va.

Which, under the decision of the Speaker,
Was referred to the Committee of Thirteen.

No. 86. A bill to amend sections eighth and tenth of an act providing for the election and qualification of justices of the peace, and

defining their jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Was read a second time.

Mr. Combs moved to amend said bill "by striking out the words three hundred and inserting two hundred—the words four hundred and insert three hundred.

On motion by Mr. Nebeker,

Said bill was referred to the Committee on the Organization of Courts of Justice.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have examined and compared enrolled House joint resolution No. 9, and find it correctly enrolled.

On motion by Mr. Bundy,
The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 25, 1861. }

The House met.

On motion by Mr. Orr,

The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. —,

A petition asking for compensation for damage done by building Feeder Dam at Northport, was,

On motion,
Referred to the Committee on Claims.

By Mr. Ford,

A petition asking an appropriation of twenty-two hundred dollars to pay for removing a dam on the Muscatitack river, in Jackson county, for the purpose of draining a large body of swamp lands situated in Jackson and Washington counties.

Was read and referred to the Committee on Swamp Lands.

REPORTS FROM STANDING COMMITTEES.

Mr. Orr, from the Committee on Rights and Privileges of the Inhabitants of the State.

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred resolution No. 18, referring to the necessity of passing a law excluding negroes and mulattoes from the Common Schools of this State, and to prevent negroes and mulattoes from giving testimony in any of the Courts of this State, in any cause, in which a white person is interested, have had the same under consideration, and direct me to report that in the opinion of the committee further legislation on these subjects are unnecessary, as there are laws now in force in this State which fully provide for these cases. See Laws of 1853, page 60. Laws of 1855, page 161.

Which was concurred in.

By Mr. Hurd, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 25, being a bill to repeal an act, entitled "An act for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalties for the violation of this act," approved February 26, 1857, have had the same under consideration, and instructed me to report the same back and recommend its indefinite postponement.

On motion,

The report of the committee was laid upon the table.

Mr. Lee, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges of the Inhabitants of the

State, to whom was referred House bill No. 49, an act to prevent hogs running at large without a ring in the nose, have had the same under consideration, and instructed me to report the same back, and recommend its indefinite postponement.

Which,

On motion,

Was concurred in.

Mr. Roberts asked and obtained leave of absence for one day.

By Mr. Hurd, from the Committee on the rights and Privileges of the Inhabitants of the State.

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred the petition of the citizens of Orange county, asking for the repeal of "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857, and also the amendments thereto, approved March 5, 1859, have had the same under consideration, and instructed me to report the same back, and recommend that the same lie on the table.

Which report of the Committee was read, and,

On motion,

Laid upon the table.

Mr. Prosser, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred a resolution requesting the committee to report a bill defining the width of wagons, have had the same under consideration, and directed me to say that, in their opinion, legislation on the subject would be inexpedient, they therefore recommend that the same lie on the table.

Which report of the Committee was read and laid upon the table.

Mr. Prosser, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bills No. 26 and 40, together with several resolutions to amend the third and fourth sections of an act for the protection of wild game, approved February 26, 1857, have had the same under

consideration, and direct me to report the same back, and recommend that they lie on the table. Your committee further instructed me to report the following bill in place thereof, and they recommend its passage.

No. 102. A bill to amend the third and fourth sections of an act, entitled "An act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time, and passed to a second reading.

Mr. Orr, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges of the Inhabitants of the State, to whom was referred resolution No. 27, relating to the necessity of passing a law to exclude negroes and mulattoes from the common schools of this State, have had the same under consideration, and direct me to report that, in the opinion of the Committee, further legislation on the subject is unnecessary, as there are laws already in force which completely cover up the case. (See Acts of 1855, page 161, section 1.

The report of the Committee was read and concurred in.

Mr. Grover, from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred a resolution inquiring into "the expediency of amending the law regulating the construction of bridges over streams dividing two counties, so as to make the cost thereof fall equally upon the taxable property of both counties," have had the same under consideration, and have instructed me to report the following bill :

"House bill No. —. A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal section seven of an act, approved March 3, 1855, entitled 'An act to provide for the erection and repair of bridges, approved May 12, 1852,' and recommend the passage of the same.

Which was read a first time, and passed to a second reading.

Mr. Frasier from the Committee on County and Township Business made the following report :

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill 39, being a bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith, together with sundry petitions relating to the subject matter of said bill, have had the same under consideration, and have directed me to report back said petitions, and recommend that they be laid on the table, and also to report back said bill, and recommend the adoption of sundry amendments thereto, herewith reported, and when so amended recommend its passage.

Amends section one by inserting at the end of the fifty-first line, the following words, viz: "The manner of taking the vote shall be."

Also in the fifty second line of said section one, strike out the word "their" and insert the word "the."

Amend section nine by striking out the word "smallest," and inserting the word "largest."

Amend section ten by inserting at the end of the 31st line, after the word "election," the following words, viz: "The manner of taking the vote shall be."

Also strike out the word "their" in the 32d line of said section ten, and insert the word "the" in lieu thereof.

Mr. Fisher moved to amend by adding the following section:

SEC. —. That all proceedings that have commenced heretofore for the formation of new counties under existing laws, be continued and finally settled under the laws now in force and according to the provisions thereof.

Mr. Henricks moved that the amendment be laid on the table.

Mr. Dobbins moved to lay bill and amendments on the table.

Mr. Nebeker called for a division of the question.

Which was ordered.

The question being on laying the amendment of Mr. Fisher on the table.

It was agreed to.

The next question being on laying on the table the amendments reported by the Committee.

It was agreed to.

The question recurring on the original question of laying the bill on the table,

Messrs. Nebeker and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Bundy, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridier, Davis, Dobbins, Edson, Ferguson, Fisher, Fleming, Fordyce, Gifford, Gresham, Hays, Horton, Howard, Hudson, Jones of Tippecanoe, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Mutz, Newman, Orr, Owens, Pitts, Polk, Prosser, Prow, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Underwood, Warrum, Woodhull and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Branham, Brucker, Bryan, Cameron, Campbell, Crain, Dashiell, Erwin, Feagler, Ford, Fraley, Frasier, Goar, Grover, Hall, Harvey, Henricks, Holcomb, Hopkins, Hurd, Jones of Vermillion, Jones of Wayne, Lane, Moody, Moorman, Moss, Nebeker, Packard, Parrett, Ragan Randall, Robbins, Thomas, Thompson, Turner, Veatch, Wells, Williams, Wilson, Woodruff, Woods—42.

So the bill was laid on the table.

Mr. Prosser moved to reconsider the vote laying the bill on the table.

Mr. Grover moved to adjourn.
Which was not agreed to.

The question being on reconsidering the vote to lay upon the table.
It was agreed to.

Mr. McClurg moved to lay on the table and print 200 copies.

Mr. Stotsenburg moved to amend by referring the bill to the Committee on Judiciary.

Mr. Prosser moved that the bill and motion to print be laid on the table.

Mr. Nebeker called for a division of the question.
Which was ordered.

The question being on the motion to lay on the table and order 200 copies,
It was not agreed to.

The question recurring on the motion to refer the bill to the Committee on the Judiciary.

It was so referred.

Mr. Branham, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred the Special Message of the Governor, have had the same under consideration, and beg leave to report the following bill:

No. 104. A bill to provide for the deficiency in the Treasury by a loan of seventy-five thousand dollars from the Commissioners of the Sinking Fund, and for the security and repayment of the same.

Which was read a first time and passed to a second reading.

Messrs. Orr, Epperson and Boydston obtained leave of absence till Monday next.

The Speaker laid before the House the following communication from the President of the Board of Commissioners of the Sinking Fund:

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND, }
Indianapolis, January 25, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR:—I have the honor herewith to submit the Annual Report of the Commissioners of the Sinking Fund on the 1st day of January, (instant,) which, according to law, has been transmitted to the Governor. I am respectfully, yours,

E. DUMONT, *President.*

Mr. Stotsenburg moved to reconsider the vote making the report of the Committee of Thirteen the special order of the day for Tuesday next.

Which was agreed to.

On motion by Mr. Stotsenburg,

The report was recommitted to the Committee of Thirteen.

H. J.—13.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have compared enrolled House bill No. 59, with the original, and find it is correctly enrolled.

On motion by Mr. Grover,

The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Branham moved to suspend the rule and read House bill No. 104, a second time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Branham, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Dashiell, Davis, Dobbins, Edson, Epperson, Fisher, Fleming, Ford, For-dyce, Fraley, Gifford, Gresham, Grover, Hall, Hayes, Henrieks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermilion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Tri-er, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—75.

So the rule was suspended, and House bill, No. 104, read a second time.

No. 104. A bill to provide for the deficiency in the Treasury by a loan of seventy-five thousand dollars from the Commissioners of the Sinking Fund, and for the security and repayment of the same.

Mr. Bundy moved to consider House bill No. 104, as engrossed, and that the rule be suspended, and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Combs, Dashiell, Edson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Gresham, Grover, Hall, Harvey, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Cason, Collins of Adams, Coopridger, Dobbins and Hayes—6.

So the rule was suspended, and the House bill, No. 104, was read a third time.

And the question being,
Shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Dashiell, Erwin, Feagler, Fisher, Fordyce, Fraley, Gifford, Gresham, Grover, Hall, Harvey, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Owens, Parrett, Pitts, Polk, Randall, Smith of Miami, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woodruff and Mr. Speaker—56.

Those who voted in the negative were,

Messrs. Cason, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Ford, Hayes, Horton, Kitchen, Lods, McClurg, Mutz, Packard, Prosser, Prow, Robbins, Roberts, Sloan, Smith of Bartholomew, Stevenson, Warrum and Woods—25.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Edson moved to suspend the order of business and take up Messages from the Senate.

Which was agreed to.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of the passage of the following engrossed bills of the Senate, to-wit:

Senate bill No. 11. A bill to amend section 151 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Also,

Senate bill No. 14. A bill to amend section forty-eight of an act, entitled "An act for the settlement of decedent's estate, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

In which the concurrence of the House is respectfully requested.

Senate bill No. 14, was read a first time.

Mr. Edson moved to suspend the rule and read Senate bill No. 14, a second time by its title now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Harvey, Hayes, Henrieks, Holcomb, Hopkins,

Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Brucker and Hall—2.

So the rule was suspended, and

Senate bill No. 14 was read a second time by its title.

Mr. Edson moved to suspend the rule and read Senate bill No. 14 a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—83.

No one voting in the negative.

So the rule was suspended, and

Senate bill No. 14 was read a third time now.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston Branham, Brucker, Bryan,

Bundy, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Gifford, Goar, Gresham, Grover, Hall Harvey, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodruff, Woods and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Cameron, from the Committee on Benevolent institutions, made the following report:

MR. SPEAKER:

The Committee on Benevolent Institutions, to whom was referred House bill No. 79, providing for the election of a Sheriff of the Supreme Court, would report back said bill, and recommend its reference to the Committee on the Organization of Courts.

The report was concurred in.

Mr. Robbins, from the Committee on Public Expenditures, made the following report:

MR. SPEAKER:

I am directed by the Committee on Public Expenditures to report back the following resolution, and ask its reference to a select committee of three.

Resolved, That the Committee on Mileage be instructed to inquire into the expediency of so changing the law regulating the mileage of sheriffs in conveying convicts to the State Prison, as to correct some mistakes in the present laws in reference to the distance traveled from the several counties, and allowing back pay to sheriffs who have not received their full pay, in consequence of this mistake in the laws, as is the case in Warrick county and others.

Which was concurred in, and

The Speaker appointed Messrs. Robbins, Edson and Crain, said committee.

REPORTS FROM SELECT COMMITTEES.

Mr. Woodhull, from the Select Committee, made the following report:

MR. SPEAKER:

The Special Committee, to whom was referred House bill No. 36, a bill for the relief of the heirs of Michael O'Brien, have had the same under consideration, and have directed me to report the same back, with a recommendation that it do pass.

All of which is respectfully submitted.

The report was concurred in, and the bill ordered to be engrossed.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution of the House, to-wit:

"House joint resolution No. 7. A joint resolution on pensions to soldiers of the war of 1812."

Message from the Senate by Mr. Tyner their Secretary

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution of the House, to-wit:

Joint resolution No. 23, which reads as follows:

"*Resolved*, That the Auditor and Secretary of State be, and they are hereby directed to distribute to the County of Newton, and to all other new counties, not having heretofore received them, their distributive share of all journals, acts, statutes, reports and all other documents directed to be distributed to counties under any existing law."

The Speaker announced the following Select Committee under the resolution offered by Mr. Hays, on the subject of apportionment for Senatorial and Representative purposes, viz:

Messrs. Hayes, Veatch, Stotsenburg, Branham, Williams, Bundy, Polk, Crain, Jones of Tippecanoe, Cameron and Collins of Whitley.

Mr. Gresham obtained leave, and introduced

House bill No. 105. A bill for the organization of the Indiana Militia, prescribing duties of certain officers, providing for a military fund and its disbursement, for punishing failures, refusals and negligence in connection with the service, and for the repeal of all existing laws having reference to said militia.

Which was read a first time.

Mr. Ford moved to suspend the rule, and read the bill a second time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brucker, Bryan, Cason, Coopridier, Davis, Frasier, Gresham, Hayes, Henricks, Holcomb, Horton, Lee, Moorman, Moss, Nebeker, Owens, Packard, Prosser, Prow, Smith of Miami, Wilson and Mr. Speaker—27.

Those who voted in the negative were,

Messrs. Bundy, Cameron, Campbell, Collins of Adams, Collins of Whitley, Combs, Dashiell, Edson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Hall, Harvey, Hopkins, Howard, Hurd, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, Moody, Mutz, Newman, Parrett, Pitts, Ragan, Robbins, Roberts, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Woodhull, Woodruff and Woods—52.

So the rules were not suspended.

RESOLUTIONS.

Mr. Packard offered the following resolution:

Resolved, That the Doorkeeper be instructed to procure three dollars' worth of postage stamps for each of the members of this House: two dollars' worth of three cent stamps, and one dollar's worth of one cent stamps, and lay the same upon each of their desks.

The question being on the adoption of the resolution,

Messrs. Stotsenburg and Woodhull demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bundy, Cameron, Erwin, Fisher, Gresham, Henricks, Hopkins, Horton, Howard, Kitchen, Lods, McClurg, Nebeker, Newman, Packard, Smith of Bartholomew, Warrum, Wilson and Mr. Speaker—20.

Those who voted in the negative were,

Messrs. Atkinson, Black, Branham, Brucker, Bryan, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridner, Dashiell, Davis, Edson, Feagler, Ferguson, Fleming, Ford, Fordyce, Frasier, Gifford, Hall, Harvey, Hayes, Holcomb, Hurd, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Owens, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Wells, Woodhull, Woodruff and Wood—56.

So the resolution was not adopted.

On motion by Mr. Robbins,

Resolved, That the clerk of the stationery room be instructed to inform this House whether or not each member of the House has received three dollars' worth of postoffice stamps, which was ordered by this House.

Messrs. Prosser, Howard and Owens asked and obtained leave of absence till Tuesday next.

Mr. Holcomb offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the present laws that county treasurers shall not be required to visit the several precincts for the purpose of collecting taxes, and that he shall not levy the 10 per cent. damage until the first day of May; also that county auditors shall not be required to deliver the tax duplicate to the county treasurer until the first of December in each year.

On motion by Mr. Bundy,
The following resolution was called up:

Resolved, That the House will adjourn on Saturday of each week

at the hour of eleven o'clock A. M., and meet each Monday, during the session, at two o'clock P. M.

The question being on the adoption of said resolution,

Messrs. Cameron and Nebeker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Branham, Bundy, Cason, Collins of Whitley, Coopridger, Dashiell, Davis, Ferguson, Fisher, Ford, Fordyce, Frasier, Gresham, Hayes, Henricks, Hopkins, Horton, Howard, Hurd, Jones of Wayne, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Newman, Owens, Packard, Polk, Smith of Bartholomew, Smith of Miami, Thompson, Warrum, Wilson, Woodhull, Woodruff and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Black, Brucker, Cameron, Campbell, Collins of Adams, Combs, Edson, Erwin, Feagler, Fleming, Fraley, Gifford, Hall, Harvey, Holcomb, Hudson, Kendrick, Kitchen, Lods, Moss, Nebeker, Parrett, Pitts, Prosser, Prow, Ragan, Robbins, Roberts, Sloan, Stevenson, Stotsenburg, Trier, Underwood, Veatch, Wells and Woods—36.

So the resolution was adopted.

Mr. Cameron offered the following resolution:

Resolved, That the Doorkeeper be authorized to obtain seven dollars worth of postage stamps and divide the same equally between the seven assistant Clerks of this House.

Which was not adopted.

On motion by Mr. Moss,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'CLOCK, }
January 26, 1861. }

The House met.

On motion by Mr. Davis,

The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Erwin,

A petition from sundry citizens of Lawrence county, asking the repeal of an act, entitled "An act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857, and also amendments thereto, approved March 5, 1859.

Which was read and referred to the Committee on the Judiciary.

By Mr. Kendrick,

A petition from the Commander of the National Guards asking for compensation for services rendered by said company at the funeral of Hon. Ashbel P. Willard.

Was read and referred to the Committee on Claims.

By Mr. Wells,

A petition from sundry citizens of Pike county, asking the repeal or amendment of an "Act to provide for the re-location of county seats and for the erection of public buildings in counties, in case of such re-location," approved March 2, 1855.

Was read and referred to the Committee on County and Township Business.

The Speaker laid before the House,

A petition in relation to the killing of stock by railroad companies, and asking legislation on the subject.

Which was read and referred to the Committee on the Judiciary.

The Speaker laid before the House,

A petition from sundry citizens of Sullivan county, asking the repeal of "An act authorizing the formation of new counties and to change county boundaries," approved March 7, 1857, and amendments thereto, approved March 5, 1859.

Was read and referred to the Committee on the Judiciary.

The Speaker laid before the House a petition of sundry citizens of Ripley county, respectfully asking the repeal of an act authorizing the formation of new counties, and to change county boundaries, approved March 7, 1857, and amendments thereto, approved March 5, 1859.

Was read and referred to the Committee on the Judiciary.

The Speaker laid before the House a petition from sundry citizens of Pulaski county, asking the repeal of "an act authorizing the formation of new counties, and to change county boundaries," approved March 7, 1857, and amendments thereto, approved March 5, 1859.

Was read and referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

By Mr. Woodhull, from the Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 7, have had the same under consideration, and instruct me to report the same back to this House with the following substitute, and recommend its passage, and that the original bill do lie on the table.

House bill No. 106. An act to amend the thirteenth section of an act, entitled "an act defining misdemeanors, and prescribing the punishment therefor.

The report of the committee was concurred in, and the bill was read a first time and passed to a second reading.

Mr. Woodhull, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, instructing them to inquire into the "expediency of reducing the fees of county clerks in the settlement of decedents' estates," have had the same under consideration, and instruct me to report

that, in the opinion of the said committee, further legislation upon the subject is inexpedient.

The report was concurred in.

Mr. Edson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, No. 42, instructing them to inquire what would be the effect of a repeal of the present militia law, as to those persons now holding commissions under appointment by the Governor, whether such persons would have the constitutional right to hold office and exercise command under any other law that might be enacted for the term expressed in their commissions, have had the same under consideration, and instruct me to report that, in the opinion of said committee, all the military officers, created by any statute, would cease to exist upon the repeal of the law creating the said offices, and that all persons holding commissions under any such law, would cease to exercise command upon the repeal of said law, and that the enactment of a new "militia" law would not authorize such persons to exercise command by virtue of the commissions issued in pursuance of law, which had been repealed, but it is the opinion of this committee that any such legislation would not affect the commissions of the officers provided for in the second section of the twelfth article of the Constitution of Indiana.

The report of the Committee was concurred in.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House instructing them to inquire "into the propriety of so amending the laws as to make it the duty of county recorders to issue marriage licenses, instead of county clerks," have had the same under consideration, and instruct me to report that, in the opinion of the said Committee, further legislation upon the subject is inexpedient.

The report was concurred in.

Mr. Edson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the

House, and the report of the select committee thereon, in relation to the purchase of the Revised Statutes published by "Gavin & Hord," have had the subject under consideration, and instruct me to report the same back to the house, with the following resolution upon that subject:

Resolved, That the Doorkeeper of this House be directed to purchase, for the use of the standing committees, ten copies of the first volume of the said Revised Statutes, and ten copies of the proof sheets of the second volume of said Statutes, for the use of the various committees.

And they recommend that the said resolution be adopted, and the report and resolution here returned to the House, be laid on the table.

The report of the Committee was concurred in, and the resolution adopted.

By Mr. Cason, from the Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House instructing them to inquire "into the expediency of abolishing the Common Pleas Court," have had the same under consideration, and instruct me to report that, in the opinion of the said Committee, further legislation upon the subject is inexpedient.

The report of the Committee was concurred in.

By Mr. Edson, from the Committee on the Judiciary.

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, No. 18, instructing them "to inquire into the expediency of paying to the officers and witnesses in all criminal prosecutions, whether the State sustains the action or not, the same fees and expenses as are paid in other cases for similar services, have had the same under consideration, and instruct me to report that, in the opinion of the said Committee, further legislation upon the subject is inexpedient.

The report of the Committee was concurred in.

By Mr. Veatch, Chairman of Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No.

41, have had the same under consideration, and have instructed me to report the same back to this House, and recommend its passage.

The report of the Committee was concurred in.

House bill No. 41 was read a third time and ordered to be engrossed.

By Mr. Veatch, Chairman of the Judiciary Committee,

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House instructing them to inquire into the expediency of so amending the practice act as that bills of exception shall no longer be signed in vacation, or of so modifying that privilege as that the opposite party shall have notice of the time and place of tendering such bill to the judge, have had the same under consideration, and have instructed me to report the following bill and recommend the passage of the same.

House bill No. 107. A bill to amend an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide a mode of taking down evidence in certain cases.

The report of the Committee was concurred in, and bill 107 read a first time and passed to a second reading.

Mr. Veatch, Chairman of Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 56, have had the same under consideration and have instructed me to report back to this House that in the opinion of this committee legislation on the subject is inexpedient, and they recommend that the bill be laid on the table.

The report was concurred in and the bill No. 56 was laid on the table.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was recommitted a resolution of the House instructing them to inquire into the constitutionality of enacting a law providing that persons residing along a proposed turn-pike or plank road route, may, by a vote of a majority of such persons, levy a tax on the real estate within prescribed bounds of said route for the purpose of constructing said road, have had the same under consideration, and have instructed me to report that in the opinion of the Committee any such act would be unconstitutional.

The report of the Committee was concurred in.

Mr. Veatch, Chairman of Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House instructing them to inquire into the expediency and propriety of passing a law forbidding the intermarriage of persons within the fourth degree of consanguinity in the collateral lines, have had the same under consideration, and instruct me to report that in the opinion of the said Committee further legislation upon the subject is inexpedient.

Report of Committee concurred in.

By Mr. Cason, of the Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 34, have had the same under consideration, and have instructed me to report back to this House that in the opinion of this Committee legislation on the subject is inexpedient.

The report of the Committee was concurred in and the bill laid on the table.

By Mr. Cason, of the Judiciary Committee.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 9, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

The report of the Committee was concurred in, and the bill ordered to be engrossed.

Mr. Lane, from the Committee on Public Expenditures, made the following report:

MR. SPEAKER:

The Committee on Public Expenditures, in compliance with the rule of the House, have directed me to report that article 10, section 3, of the Constitution of Indiana says, that "No money shall be drawn from the Treasury but in pursuance of appropriation by law;" and laws, clearly defining the duties of the State officers, are to be found upon the statutes of the State; which said law requires the taking of an oath to support the Constitution of the State, and their duties as officers.

Notwithstanding your committee find that the various appropriations, according to the Auditor's report, have been so far disregarded, that it has gone far toward bankrupting our treasury and endangering our credit, therefore your committee would respectfully recommend the passage of a law providing suitable penalties for the violation of the same.

The report of the committee was concurred in.

REPORTS FROM SELECT COMMITTEES.

By Mr. Packard, from Select Committee on Insurance Companies.

MR. SPEAKER:

The Select Committee, to whom referred so much of the Governor's Message as refers to foreign and domestic insurance companies, have had the same under consideration, and direct me to present the accompanying bills and recommend their passage:

House bill No. 108. A bill to regulate the business of foreign insurance companies, corporations, associations, or individual underwriters of other nations and States, and the agent or agents thereof in the State of Indiana.

House bill No. 109. A bill to regulate the business of insurance companies doing business under charters granted by the State of Indiana prior to the 17th day of June, 1852.

The report was concurred in, and the bills, Nos. 108 and 109 were read a first time and passed to a second reading.

On motion,
Mr. McClurg obtained leave of absence till Tuesday.

H. J.—14.

Mr. Heffren asked to be excused from further service on the House Committee of Thirteen.

The House refused to excuse him.

Mr. Dobbins offered the following resolution:

Resolved, That the Warden of the Southern State Prison be, and he is hereby, instructed to report to this House, at as early a day as convenient, a statement showing the number of contractors in said prison, the names of said contractors, and the amount of money due the State of Indiana from each of said contractors, if any, and whether the same can be elevated, and that the Clerk of this House forward a copy of this resolution to the Warden.

Which was adopted.

Mr. Lane offered the following resolution:

Resolved, That the Select Committee, to whom was referred the Virginia resolutions, be required to report at its earliest convenience on said resolutions.

Which was laid on the table.

Mr. Grover offered the following resolution:

Resolved, That the Auditor of State be, and he is hereby, instructed to inform this House what railroads have been re appraised, and have had their appraisements corrected by the county auditors, with the consent of the Auditor of State, under the provisions of the assessment law of 1852, and what has been the increase or decrease in the valuation of each road per mile; also, what is the present valuation per mile of each road which has had its appraisalment so changed, and that the Clerk inform him of the passage of this resolution.

Which was adopted.

Ordered, That the Clerk inform the Auditor of State of the passage of the resolution.

Mr. Kitchen offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws as to allow county treasurers to receive $2\frac{1}{2}$ per cent. commission on county orders taken in by them; also, to release county treasurers from visiting the several precincts for the purpose of receiving taxes.

Which was adopted.

Mr. Goar offered the following resolution:

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of so amending the law as to allow county officers a salary in proportion to the population of the county, and in accordance with the provisions of an act relative to the salaries of public officers, and providing the manner of paying the same, approved March 5, 1859.

Which was adopted.

Mr. Burgess offered the following resolution:

Resolved, That the Committee on Roads inquire into the expediency of so amending the statute providing for the levy of a road tax as to require the road tax to be expended on the land of the tax-payer.

Which was not agreed to.

Mr. Brucker offered the following resolution:

Resolved, That the Committee on Education be instructed to inquire into the expediency of so amending that part of the school laws in reference to the custody of the Common School funds belonging to cities and towns, as to allow the treasurers of towns and cities to have the custody of the school money to be expended in such towns or cities, and to report to this House by bill or otherwise.

Which was not adopted.

Mr. Black offered the following resolutions:

UNION MASS MEETING.

On Thursday, the 17th day of January, 1861, the citizens of Orange county met in mass meeting, without distinction of party, to consider the alarming condition our country is in.

The Committee on Resolutions made the following report:

WHEREAS, In view of the alarming condition of our country, we, your committee, have thought best that this Mass Meeting of Orange county, Indiana, hereby declare, that we judge the Compromise Measures as proposed by Hon. John J. Crittenden, of Kentucky, in the United States Senate, one, in our opinion, better calculated to satisfy the entire country than anything which has as yet been proposed. Therefore,

Resolved, That we hereby adopt and will be satisfied with these measures, if they shall be deemed satisfactory to all parties.

Resolved, That we are in favor of an enforcement of the laws of the United States in all of the States, and that government property be protected so long as the Union of States remain.

Resolved, That we recommend to the Legislature of our State, now in session, at as early a day as practicable, to provide for the election of delegates to a general convention to determine the action of Indiana in the now probable contingency of a dissolution of the Federal Union.

Resolved, That we, the citizens of Orange country, as Union-loving patriots, will abide by the laws and Constitution of the Union.

Before the vote was taken the Crittenden propositions were read to the meeting. When, on motion, the resolutions were unanimously adopted, amidst the widest enthusiasm.

On motion, it was ordered that a copy of these proceedings be published in the "American Eagle," and the papers of the State be requested to copy them, and that copies be forwarded to Hon. John J. Crittenden, to our Senators and Representatives in Congress, and to our Senator and Representative in the Legislature, when the meeting adjourned.

T. STACKHOUSE, *President*.

J. H. CAMPBELL, }
D. HUDLESON, Sr., } *Vice-Presidents*.

J. N. RILEY, }
JOHN FRAZER, } *Secretaries*.
H. COMINGORE, }

Which, under the ruling of the Speaker,
Was referred to the Committee of Thirteen.

On motion by Mr. Polk,

Resolved, That the Auditor of State be required to report to this House the total value of all real and personal property in the State of Indiana in the year 1859, and also, in the year 1860; the object being to ascertain the increase of value of property at the last appraisalment of real property.

On motion by Mr. Grover,

Resolved, That the President of the Bank of the State of Indiana be, and hereby is, requested to inform this House what branches of said Bank are opposed to the creation of new Branches, and what are the reasons alleged for such opposition, and whether any further legislation in regard to such Bank and Branches is desired, and that the Clerk inform him of the passage of this resolution.

Mr. Erwin offered the following resolutions:

UNION MEETING IN LAWRENCE COUNTY.

In pursuance to a call unanimously signed, the citizens of Lawrence county, Indiana, irrespective party, met in Mass Convention at the Court House in Bedford county, January 11, 1861, at 1 o'clock, P. M.

On motion, a committee of five were appointed to draft resolutions expressive of the sense of the meeting, to-wit: Ambrose Kern, N. F. Malott, John Riley, Levi Houston and Dr. P. G. Paugh.

N. F. Malott, from the Committee on Resolutions, made the following report:

Resolved, That we regard the preservation of the Union and the administration of the General Government in strict accordance with the Federal Constitution, as the surest guarantees for our peace and prosperity at home, and the maintenance of our honor and respect abroad.

Resolved, That we view with the deepest solicitude the efforts that are now being made to sever the bonds of our glorious Union, and are ready to renounce all party fealty and unite with conservative men throughout our common country in removing the causes which threaten the destruction of our free institutions.

Resolved, That as citizens of Indiana, we rejoice that our noble State has ever been mindful of the duties which devolve upon her as a member of the great family of American States united under a common government and bound together by past recollections, by our identity of origin and a community of interests, and that she has religiously abstained in her principles and her policy from every act that could be construed as a disposition to tamper with or disregard the institutions of her sister States.

Resolved, That in imitation of the illustrious founders of our Federal Government we are willing to make all honorable compromises and concessions to preserve that government in full force and vigor, and are therefore in favor of incorporating in the Federal Constitution the amendments proposed in the Senate of the United States by Mr. Crittenden on the 16th day of December, 1860, believing that the adoption of those amendments would remove the great disturbing elements in our federal relations and restore tranquillity and confidence to the country.

Resolved, That the provisions of the Federal Constitution in regard to the rendition of fugitive slaves are binding on the several States, and should be enforced with promptness and fidelity, and that all

State legislation intended to obstruct and hinder the execution of the fugitive slave law should be repealed.

Resolved, That we indorse the conduct and admire the gallantry and patriotism of Major Anderson, of Kentucky, in maintaining possession of Fort Sumpter, and that he is entitled to the gratitude of every American citizen.

Resolved, That we send cordial greeting to the friends of the Union in Kentucky, and congratulate them upon the noble stand taken by them in the Convention held in Louisville on the 8th of the present month, and that we hail them as brethren in a common cause, and are ready to second the efforts made by them and patriots every where to sustain the Constitution and the Union.

On motion, the Secretaries were instructed to forward a copy of the proceeding of this meeting to Wm. M. Dunn, our member of Congress, also a copy to each of our Representatives in the State Legislature.

On motion, the Bedford, New Albany, Louisville, and Indianapolis papers were requested to publish the proceedings of this Convention.

On motion, the Convention adjourned.

SAMUEL W. SHORT, *Pres't*.

JOHN M. HAVRON, *Sec'y*.

Which were referred to the Committee of Thirteen, under the ruling of the Speaker.

On motion of Mr. Hayes,

Resolved, That the Auditor of State be requested to furnish this House, at his earliest convenience, for the use of the Apportionment Committee, an enumeration of the white male inhabitants of the State, over the age of twenty-one years, as provided in the fourth section of the fourth article of the Constitution of the State: *Provided*, Such enumeration has been made, and if not, to so inform this House.

On motion of Mr. Crain,

Resolved, That the Clerk of this House be, and he is hereby directed to procure a certified copy of the opinion and judgment of the Supreme Court in the case of Abraham R. Conwell, against the President and Trustees of the Town of Connorsville, for the use of the members of this House.

On motion by Mr. Bryan,

WHEREAS, The Constitution provides that the General Assembly

shall make provision for fencing the Tippecanoe Battle Ground, therefore,

Resolved, That there be a committee appointed by the Speaker, consisting of three, to report a bill making provisions for fencing the Tippecanoe Battle Ground, and for its preservation.

Mr. Packard offered the following resolution:

That the Doorkeeper be instructed to procure an equal number of the Democratic and Republican German papers in this city, and lay the same upon each of the desks of the members of this House, properly stamped.

Mr. Heffren moved to amend, as follows:

That the Doorkeeper be instructed to obtain from the publishers five additional copies of the Volksblatt, enveloped and stamped, for the use of this House.

Which was agreed to.

The resolution, as amended, was then adopted.

Mr. Heffren offered the following resolution:

Resolved, That so much of the resolution of this House as relates to the American, be rescinded.

Mr. Grover moved to lay the resolution on the table.

Messrs. Gifford and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boydston, Branham, Brucker, Burgess, Campbell, Cason, Dashiell, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Harvey, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Parrett, Sherman, Sloan, Smith of Miami, Stotsenburg, Thomas, Turner, Underwood, Veatch, Wells, Wilson, Woodruff, Woods and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Cameron, Collins of Adams, Combs,

Cooprider, Davis, Dobbins, Edson, Erwin, Feagler, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Kitchen, Lods, Mutz, Packard, Pitts, Polk, Prow, Ragan, Robins, Roberts, Trier, Thompson, Warum and Woodhull—32.

So the resolution was laid on the table.

A message from the Governor, by Mr. Holloway, Executive Messenger.

MR. SPEAKER:

I am directed to by the Governor to inform the House that he has approved and signed the following bill:

House bill No. 19. An act to amend section first of an act, entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent herewith," approved March 5, 1859.

On motion by Mr. Cameron,

Resolved, That the Committee on Rights and Privileges be instructed to inquire into the expediency of reporting a bill requiring all railroad associations in this State to employ no engineer who cannot provide a certificate of his qualification as such.

Mr. Holcomb offered the following resolution:

Resolved, That that the Committee on Roads and Highways be instructed to report a bill so changing the present laws as to dispense with a tax for road purposes, on the taxable property of the State.

Mr. Fisher moved to lay the resolution on the table,
Which was agreed to.

Mr. Stotsenburg moved to suspend the order of business, and take up the following message, from the Governor:

A message from the Governor, by Mr. Holloway, Executive Messenger.

EXECUTIVE DEPARTMENT, }
January 26, 1861. }

I have received from the Governor of the State of Tennessee, cer-

tain resolutions, passed by the Legislature of that State, proposing terms of settlement for the troubles now disturbing the Nation, which I herewith transmit, and lay before your Honorable Body. I have also received, from the Governor of Alabama, a resolution passed by the Legislature of that State relative to Postal arrangements, which is also herewith transmitted.

OLIVER P. MORTON, *Governor.*

Which was referred to the Committee of Thirteen.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to bring to the House of Representatives, for the signature of the Speaker thereof, the following enrolled act of the Senate, to-wit :

No. 14. A bill to amend section forty-eight of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has, in compliance with the concurrent resolutions of the Senate, recently reported to the House, by a *cave voce* vote, elected Henry S. Lane United States Senator for the State of Indiana, to serve as such from the fourth day of March, 1861, to the fourth day of March, 1867.

The Speaker, at 11 o'clock A. M., in obedience to the resolution of the House, adopted on yesterday, declared the House adjourned until Monday next, at 2 o'clock P. M.

MONDAY, 2 O'CLOCK P. M., }
January 28, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Davis,
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Hayes,

A petition from sundry citizens of Madison city, on the subject of protecting sheep from the ravages of dogs.

Which,

On motion,
Was referred to the Committee on Rights and Privileges.

By Mr. Jones, of Vermillion,

A petition from sundry citizens, to amend the usury laws as to allow ten per cent. interest on specified contracts.

Which,

On motion,
Was referred to the Committee on Judiciary.

By Mr. Packard,

A petition from citizens of Starke county, asking the repeal of an act to authorize the formation of new counties.

Which,

On motion,
Was referred to the Committee on Judiciary.

By Mr. Prow,'

A petition from sundry citizens of Washington county, on the subject of highways.

Which,

On motion,
Was referred to Committee on Rights and Privileges.

The Speaker appointed the following committee under the resolution of Mr. Bryan, adopted on Saturday last:

Messrs. Bryan, Heffren and Frasier.

REPORTS FROM SELECT COMMITTEES.

Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred the petition of sundry citizens of Newton county relative to the re-location of county seats, have had the same under consideration, and have instructed me to report that in their opinion further legislation upon the subject is inexpedient.

On motion by Mr. Moody,

The petition and subject matter was recommitted to the Committee on County and Township Business.

RESOLUTIONS.

Mr. Dobbins offered the following resolution:

Resolved, That the Committee on Judiciary be instructed to inquire whether it is in accordance with the fifth article of section four of the Constitution of Indiana, which reads as follows: "Neither the Governor nor the Lieutenant Governor shall be eligible to any other office during the term for which he shall have been elected," for any person elected to the office of Governor of this State to hold any other office, either State or National, during the term for which he was elected Governor; and that said Committee report at their earliest convenience.

Mr. Heffren moved that the resolution be laid on the table.
Which was agreed to.

On motion by Mr. Woods,

WHEREAS, By report of the Superintendent of Public Instruction,* it appears that the money derived from the sale of lands and other estates, which shall escheat to the State for want of heirs or kindred entitled to the inheritance, and the money derived from the sales of animals unlawfully running at large, and the money paid for school purposes by corporation, have never been added to the common school funds; therefore be it

Resolved, That the Committee on Education be requested to investigate this matter, and consider the propriety of reporting a bill securing these monies to the school fund of this State, and providing for their distribution among the counties thereof.

On motion by Mr. Holcomb,

Resolved, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the law as to allow county recorders a fair compensation for entering satisfaction on mortgages recorded in their offices.

On motion by Mr. Bundy,

Resolved, That the Judiciary Committee inquire into the expediency of providing by law for carrying into effect the sixth section of the eighth article of the Constitution of the State of Indiana, which declares that "the several counties shall be held liable for the preservation of so much of the said fund (the school fund) as may be entrusted to them, and for the payment of the annual interest thereon;" and if the said Committee shall deem it expedient they are hereby directed to report a bill to this House, or joint resolution, directing the manner in which suits may be instituted against such counties as have wasted or lost any or all their trust funds, devoted to education, in case such counties shall fail voluntarily to reinstate the funds so lost by taxation.

On motion by Mr. Fisher,

Resolved, That the Committee on Judiciary be directed to inquire into the expediency of repealing all laws requiring the appraisement of personal property when sold on execution, and requiring the same to sell at two-thirds its appraisement.

Mr. Heffren offered the following resolutions :

UNION MEETING AT HARDINSBURGH.

A large meeting of citizens of Washington, Harrison, Crawford, and Orange counties, without respect to party, was held at Hardinsburgh on the 11th inst. On motion, Gen. James A. Cravens was called to the chair, who explained the objects of the meeting, and J. C. Boyden and W. S. Schoonover were made Secretaries. A committee, consisting equally of Democrats and Republicans, was appointed to draft resolutions, who subsequently reported the following, which were unanimously adopted, except the fifth, to which there were five dissenting voices:

We, the citizens of Washington, Orange, Crawford and Harrison counties, at Hardinsburgh, assembled without respect to party, do hereby declare our devotion to the Union of these States, and our fixed determination to make all the sacrifice of personal opinion to maintain the Union that duty or patriotism may demand, or that honor or manhood will allow, and believing that the time for action has now come, and that our duty requires us to address ourselves to the consideration of some plan of settlement that can be sustained by public sentiment at the North, and that will receive favor and be accepted by the South; therefore,

Resolved, That we are for maintaining the Union, opposed to coercion, and deny the right of secession; for preserving peace possible, and we are constrained to believe that South Carolina, Mississippi, and their neighboring States, that have seceded and are making arrangements to secede, have acted rashly and unwisely, under the influence of bad counsel; that all the evils justly and properly complained of by the South, can be and ought to be remedied without destroying the Government.

Resolved, That to show to our Southern brethren that we are determined in the sight of heaven that the awful responsibilities of destroying the best government on earth, and drenching the land with fraternal blood, shall not rest with us; therefore, we pledge ourselves individually and unitedly, without mental reservation or self evasion whatever, to support to the letter and spirit, and to assist with all our influence, in carrying into effect the resolutions offered as a basis of compromise by the Hon. John J. Crittenden of Kentucky, in the Senate of the United States, believing these resolutions can and will be sustained by the masses of the people of the free States, in spite of what politicians may say or do; and that if so the South ought not to hesitate to shake hands on these resolutions as a basis of final settlement.

Resolved, That it is our opinion that if the border free and slave States come up unitedly in favor of this plan of settlement that sooner or later, the extremes must of necessity follow.

Resolved, That it is our ardent desire that the happy relationship long existing between Indiana and Kentucky, socially and commercially, shall not be destroyed by madness or folly, but that the citizens of Indiana may always be as ready to grant and defend all the rights of Kentucky as was the sons of Kentucky to come to the defense of Indiana, when her citizens required defense from the scalping knife of the merciless savages in the war of 1811, when Jo. Daviess and his gallant companions in arms poured out their blood on the memorable plains of Tippecanoe, in common with our own citizens.

Resolved, That notwithstanding we may have differed in many re-

spects from the President of the United States, yet we cannot but sympathize with him in his trying and responsible position, and that we believe he has endeavored to act faithfully and patriotically to the whole government, on the subject of our recent troubles with the South.

Resolved, That we have been induced to make these concessions and pledges of fidelity to our Southern friends, from no spirit of crouching fear, but from a sincere desire to save and transmit to posterity unimpaired this noble government, in its purity and integrity, as it came to us from the hands of our fathers.

Resolved, That it is the duty of each individual to frown on that man, or set of men, party, or the press, that will attempt to widen the breach, unfortunately existing between the North and the South.

Resolved, That our Representatives in Congress, and our Representatives in the State Legislature, be requested to assist with all their influence in carrying into effect the foregoing resolutions, and that copies be sent to each of them.

Resolved, That the conduct of Major Anderson in evacuating Fort Moultrie, and occupying Fort Sumter, has our approval.

Resolved, That a copy of the proceedings be signed by the Chairman and Secretaries, and be sent to the New Albany Ledger for publication, and that papers friendly to the Union are requested to copy, and especially the Union papers of Louisville, Ky., and that we extend a cordial greeting to the friends of the Union everywhere, and pledge to be with them to the end.

J. A. CRAVENS, *President*.

W. S. SCHOONOVER, }
J. C. BOYDEN, } *Secretaries*.

Under the decision of the Speaker,

The resolutions were referred to the Committee of Thirteen.

On motion by Mr. Hayes,

Resolved, That the Committee on the affairs of the Town of Indianapolis be instructed to inquire into the expediency of reporting a bill providing for the erection of a suitable iron fence around the State House Square.

On motion by Mr. Collins, of Whitley,

Resolved, That the Committee on the Judiciary be requested to in-

quire into and report whether there is any law now in this State, authorizing County Agricultural Societies to hold real estate, and if not, they report a bill authorizing the same.

On motion by Mr. Dobbins,

Resolved, That the Committee on the Rights and Privileges of the Inhabitants of the State be, and they are hereby requested, to inquire into the expediency of repealing the law requiring justices of the peace to pay to the Secretary of State one dollar, as a fee for their commissions, and that said committee report by bill or otherwise.

On motion by Mr. Packard,

Resolved, That the Superintendents of the Deaf and Dumb, and Blind Asylums, are respectfully invited to give exhibitions of the proficiency of the pupils under their care respectively, before the members of this General Assembly, and that the clerk of this House be instructed to inform those gentlemen of the passage of this resolution, and report to this House the time when, and the place where, it will be convenient for them to hold such exhibitions.

On motion by Mr. Hudson,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the laws punishing crimes and misdemeanors, as to extend the statutes of limitations to the term of five years.

On motion by Mr. Wilson,

Resolved, That the Committee on County and Township Business be instructed to inquire into the expediency of so amending the assessment laws, that the tax payer be allowed to take the amount of his indebtedness out of his personal property, as well as his solvent claims.

On motion by Mr. Sloan,

Resolved, That the Committee on Ways and Means be requested to inquire into the expediency of so amending the present assessment law as to allow tax payers to deduct from the actual value of all their taxable property or effects, the actual amount of their indebtedness.

Mr. Brucker offered the following resolution :

Which,

On motion,

Was adopted.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law concerning justices of the peace to make out, every three months, a complete list of fees collected, to whom due and the amount thereof respectively, and report to this House by bill or otherwise.

JOINT RESOLUTIONS.

Mr. Jenkinson offered the following

Joint resolution No. 24. *Resolved*, By the General Assembly of the State of Indiana, That Henry S. Lane, of Montgomery county, Norman Eddy, of St. Joseph county, Samuel Hanna, of Allen county, Simon Yandes, of Marion county, and Robert Dale Owen, of Posey county, be appointed Commissioners on the part of the State of Indiana, to meet, on the 4th day of February next, with the Commissioners of other border States to adjust a plan for the preservation of our common country.

Which was read and referred to the committee of thirteen.

BILLS INTRODUCED.

By Mr. Dobbins,

House bill No. 110. A bill to amend section four of an act in relation to special elections, approved May 13, 1853.

Which was read a first time and passed to a second reading.

By Mr. Hayes,

House bill No. 111. A bill to amend the sixth section of an act entitled an act to amend an act to authorize and regulate the business of general banking, which passed both Houses of the General Assembly of the State of Indiana, March 3, A. D. 1855, the objections of the Governor to the contrary notwithstanding.

Which was read a first time and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill No. 112. A bill to provide for the examination and adjustment of the claim of Moorehead, Hall & Co. against the State of Indiana, and for the payment of the balance, if any, that may be due on said claim.

Which was read a first time, and passed to a second reading:

By Mr. Erwin,

House bill No. 113. A bill to amend the second section of an act entitled "an act to provide for the election, and prescribing certain duties of recorders," approved May 31, 1852.

Which was read a first time and passed to a second reading.

By Mr. Packard,

House bill No. 114. A bill to amend the first section of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water.

Which was read a first time, and passed to a second reading.

By Mr. Burgess,

House bill No. 115. A bill to amend an act entitled "an act supplemental to an act entitled an act to exempt property from sale in certain cases, approved February 17, 1852," approved March 5, 1859, Section 1.

Which was read a first time, and passed to a second reading.

By Mr. Cason,

House bill No. 116. A bill to require the manufacturers and venders of copyright medicines or prescriptions commonly known as patent medicines to label packages, bottles or boxes, in which said medicines or prescriptions are contained, with the name and quantity of the various kind or kinds of medicines, articles or ingredients composing said composition of medicines.

Which was read a first time, and passed to a second reading.

By Mr. Fisher,

House bill No. 117. An act appropriating money to the State Board of Agriculture.

Which was read a first time, and passed to a second reading.

By Mr. Floyd,

House bill No. 118. A bill to authorize Judges of Circuit and Common Pleas Courts to make certain orders in vacation.

Which was read a first time, and passed to a second reading.

By Mr. Moody,

H. J.—15.

House bill No. 119. A bill concerning the State, county, township and road tax of the counties of Jasper and Newton.

Which was read a first time.

Mr. Moody moved to suspend the rule and read House bill No. 119 a second time by its title now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Coopridger, Crain, Dashiell, Davis, Edson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Grover, Hall Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moss, Mutz, Nebeker, Newman, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—84.

Mr. Packard voted in the negative.

So the rule was suspended and the bill read a second time by its title, and

On motion by Mr. Moody,

The bill was referred to the Committee on County and Township Business.

By Mr. Bundy,

House bill No. 120. A bill to amend the first section of an act entitled "an act concerning interest on money," approved May 27, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Heffren,

House bill No. 121. An act supplemental to "an act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor.

Which was read a first time, and passed to a second reading.

By Mr. Jones, of Vermillion,

House bill No. 122. A bill to organize a judicial district composed of the counties of Vermillion, Parke and Putnam, providing for the appointment and election of a Judge and District Attorney therefor; fixing the time of commencement and the duration of the terms thereof; making all writs, subpoenas, venires, rules and orders of Court, reports, recognizances, publication and process whatever, returnable thereto, and declaring when and how the same shall take effect.

Which was read a first time, and passed to a second reading.

By Mr. Jenkinson,

House bill No. 123. A bill to authorize the owners of property in a town to vacate the lots, streets, alleys and squares therein.

Which was read a first time and passed to a second reading.

By Mr. Edson,

House bill No. 124. An act to cure certain defects where persons have acted as deputies under the clerks of Circuit Courts by and with their consent in this State.

Which was read a first time and passed to a second reading.

By Mr. Kendrick,

House bill No. 125. A bill to provide for the prevention and punishment of frauds in elections.

Which was read a first time, and passed to a second reading.

By Mr. Brucker,

House bill No. 126. A bill to amend the eighteenth, twenty-fifth and twenty-sixth sections of an entitled "an act regulating decedents' estates, and the apportionments of estates," approved May 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Gifford,

House bill No. 127. An act to give the custody and control of the records and papers of the former Probate Courts of the different counties of this State to the Clerks of the Courts of Common Pleas to make and certify transcripts of the same.

Which was read a first time and passed to a second reading.

By Mr. Roberts,

House bill No. 128. A bill to amend sections three and five of an

act to regulate and license the sale of spirituous, vinous, malt, and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof, approved March 5, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Bundy,

House bill No. 129. A bill to amend section 178 of the act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, duties and liabilities of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Stotsenburg,

House bill No. 130. A bill to require certain pleadings in cases where corporations are parties to be sworn to.

Which was read a first time and passed to a second reading.

By Mr. Hopkins,

House bill No. 131. A bill to release the trustees of the Wabash and Erie Canal from their obligation to maintain part of said Canal lying within the city of Evansville, in Vanderburgh county, and to enable the city of Evansville to fill up the same, and dispense with bridges across it.

Which was read a first time, and passed to a second reading.

By Mr. Bryan,

House bill No. 132. A bill to amend the twenty-third section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

By Mr. Allen,

House bill No. 133. A bill in relation to witnesses, and to amend section 238 of article 13 of the act, entitled "an act to revise, simplify and abridge the rules, practice and pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law,

and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading

By Mr. Packard,

House bill No. 134. A bill to amend 476th section of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

On motion by Mr. Burgess,
The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
January 29, 1861. }

The House met.

On motion by Mr. Edson,

The reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Bundy,

A petition from citizens of Henry county, to change the interest law.

Which,

On motion,

Was referred to the Committee on the Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Ragan, from the Committee on Elections made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 6, entitled "an act to amend section one of an act, entitled an act to provide for electing electors for President and Vice-President of the United States," approved May 20, 1852, would respectfully report that they deem it inexpedient, at this time, to legislate further on the subject.

Which was concurred in.

Mr. Edson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 78, entitled "an act to authorize the board of commissioners to exempt the property of widows from taxation, where it does not exceed three hundred dollars in value," would respectfully report that we have examined the same, and that we would recommend that said bill be indefinitely postponed, and that the bill accompanying this report be adopted as a substitute in lieu thereof, and that the bill be passed.

House bill No. 135. A bill to amend section six of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the auditor and treasurer of State," approved June 21, 1852, so as to exempt from taxation the personal property of widows, where the same does not exceed three hundred dollars in value.

The report was concurred in, and,

House bill No. 135, read a first time and passed to a second reading.

By Mr. Ragan, from the Committee on Elections.

MR. SPEAKER:

Your Committee, to whom was referred House bills Nos. 23 and 80, entitled acts to prevent the emigration of voters from any other State to this State, or from one county or township in this State to any other county or township in the same, for the purpose of

voting, influencing, or carrying the election in such other county or township, and prescribing penalties against persons so engaged, and against persons aiding, abetting, counseling, or in any other way or means engaged therein, and to repeal an act approved March 6, 1857, would respectfully report that further legislation thereon is inexpedient at present.

Which was concurred in.

Mr. Jones, of Vermillion county, from the Committee on the affairs of the Penitentiary, made the following report :

MR. SPEAKER :

The Committee to whom was referred House resolution No. 22, directing them to inquire into the expediency of erecting a House of Correction for the punishment of juvenile offenders, have had the same under advisement, and directed me to report that your Committee are of the opinion that it is the duty the State owes to her citizens to provide all reasonable means for the protection of their rights, and for the correction of all crimes. Your Committee believe that a house for the correction of juvenile offenders is loudly called for by the moral sentiment of the State, and that the same is dictated in a christian spirit, as a debt we owe to humanity. But, owing to the financial affairs of our State, your Committee are of the opinion that the erection of a House of Correction, at this time, would be inexpedient.

The report of the Committee was concurred in.

Mr. Orr, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred the petition of W. E. Ethell and others, praying the General Assembly of this State to pass a law for the protection of fish, in the inland waters of this State, from being caught with seines, drag-nets, &c., or by poisoning the waters, similar to that passed by the Legislature of Ohio, and approved April 17, 1857, have had the same under consideration, and direct me to report the following bill.

House bill No. 136. A bill to protect fish and fisheries, and providing penalties for the violation of this act.

The report was concurred in, and

The bill was read a first time, and passed to a second reading.

Mr. Grover, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred a resolution of the House, "inquiring into the expediency of so amending the law in relation to the duty of county treasurers, that the said treasurers shall not be required to visit the several townships for the purpose of collecting taxes," have had the same under consideration, and have instructed me to report the following bill in relation thereto: "House bill No. —. A bill to amend sections 94 and 95 of an act, entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes, in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State,' approved June 21, 1852," and recommend the passage of the same.

House bill No. 137. The title of which is set forth in the above report.

The report of the Committee was concurred in, and
The bill read a first time, and passed to a second reading.

Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred a resolution of the House instructing them "to take into consideration the necessity for the passage of a law authorizing the surveyors of the several counties in this State to re-survey, where it may be deemed necessary by the board of county commissioners, the original section lines, and re-establish by suitable monuments the section corners where they may have become obliterated," have had the same under consideration, and have instructed me to report that, in their opinion, further legislation upon the subject is unnecessary.

Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 47, a bill to amend the 29th section of an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those

of county and township officers thereof," approved March 5, 1859, have had said bill under consideration, and have instructed me to report the same back, and recommend its passage with the following amendment:

In amended section, strike out November and insert August.
The report was concurred in.

House bill No. 47 was ordered to be engrossed.

Mr. Dobbins, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the petition of W. W. Martin and other citizens of Noble county, asking the passage of an act for the compensation of damage caused by the erection of the feeder dam at Northport in said county, have had the same under consideration, and have directed me to report that in the opinion of the Committee legislation on the matter contained in said petition is inexpedient.

Which was concurred in.

RESOLUTIONS.

Mr. Orr offered the following resolution:

WHEREAS, The auditor of Delaware county has been in correspondence with county auditors of the various counties of the State, in relation to certain changes in the law regulating the time of the payment of taxes, the time of county treasures making their annual settlement with Treasurer of State, and in relation to various matters in which, in their opinion, changes in the law are necessary; therefore,

Resolved, That the entire correspondence be referred to the Committee on County and Township Business, with instructions to examine the same, and report by bill or otherwise in relation to the different changes and amendments suggested.

Which was agreed to.

Mr. Stotsenburg presented the following proceedings of the General Assembly of the State of Kentucky:

WHEREAS, The General Assembly of Virginia, with a view to make effort to preserve the Union and the Constitution in the spirit in

which they were established by the Fathers of the Republic, have, by resolution, invited all the States who are willing to unite with her in an earnest effort to adjust the present unhappy controversy, to appoint Commissioners to meet on the 4th of February next, to consider, and if practicable, agree upon some suitable adjustment;

Resolved, That we heartily accept the invitation of our old mother Virginia, and that the following five Commissioners, viz: Wm. O. Butler, James B. Clay, John F. Bell, J. S. Moorehead, James Guthrie and Charles A. Wickliffe be appointed to represent the State of Kentucky in the contemplated convention, whose duty it shall be to repair to the City of Washington on the day designated, to meet such Commissioners as may be appointed by any of the States in accordance with the foregoing invitation.

Resolved, That if the said Commissioners shall agree upon any plan of adjustment requiring amendment of the Federal Constitution, they be requested to communicate the proposed amendments to Congress, for the purpose of having the same submitted by that body to the several States for ratification.

Resolved, If said Commissioners cannot agree on adjustment, or if agreeing, Congress shall refuse to submit for ratification such amendments as may be proposed, the Commissioners of this State shall immediately communicate the result to the Executive of this Commonwealth, to be by him laid before this General Assembly.

Resolved, That in the opinion of the General Assembly, the propositions embracing the resolution presented to the Senate of the United States by the Hon. John J. Crittenden, so construed as that the first article proposed as an amendment to the Constitution of the United States, shall apply to all the territory of the United States now held or hereafter acquired south of latitude $36^{\circ} 30'$, and provided that slavery of the African race shall be effectually protected as property therein during the continuance of the territorial government, and the fourth article shall secure to the owners of slaves the right to transit with their slaves between and through the non-slaveholding States and Territories, constitute the basis of such an adjustment of the unhappy controversy which now divides the States of this confederacy as would be accepted by the people of this Commonwealth.

Resolved, That the Governor be and is hereby requested to communicate information of the foregoing appointment to the Commissioners above named at as early a day as practicable, and that he

also communicate copies of the foregoing resolutions to the Executives of the respective States.

In the Senate of Kentucky, Jan. 26, 1861.

Twice read and adopted.

J. C. WICKLIFFE C. S.

In the House of representatives, January 26, 1861.

Twice read and concurred in.

CLINTON McCLARTY, Clerk H. R.

D. MERRIWEATHER, Speaker.

Mr. Simpson offered the following joint resolutions, which were ordered to be printed:

WHEREAS, The people of some of the States feel themselves deeply aggrieved by the policy and measures which have been adopted by the people of some of the other States, and whereas an amendment of the Constitution of the United States is deemed indispensably necessary to secure them against similar grievances in future, therefore,

Resolved, By the General Assembly of the Commonwealth of Kentucky, That application to Congress to call a convention for proposing amendments to the Constitution of the United States pursuant to the fifth article thereof, be and the same is hereby now made by this General Assembly of Kentucky, and we hereby invite our sister States to unite with us without delay in similar applications to Congress.

Resolved, If the Convention be called in accordance with the provisions of the foregoing resolutions, the Legislature of the Commonwealth of Kentucky suggests for the consideration of that convention as basis of settling difficulties the adoption by way of amendments to the Constitution the resolutions offered in the Senate of the United States by the Hon. John J. Crittenden.

Resolved, That the Governor of this State forthwith communicate the foregoing resolutions to the President of the United States, with the request that he immediately place the same before Congress and the Executives of the several States, with a request that they lay them before their respective Legislatures.

In the Senate twice read and adopted, Jan. 18.

Attest:

J. C. WICKLIFFE, Sec'y.

Adopted with amendment.

C. McCLARTY, C. H. R.

D. MERRIWEATHER, Speaker.

Which was referred to the committee of thirteen, under the resolution of the House.

The Speaker laid before the House the following proceedings of a Union meeting held in Gibson county, Indiana:

UNION MEETING.

Proceedings of the Union Meeting of the citizens of Gibson county, Indiana, without distinction of party, held at the Court House in Princeton, on Thursday, the 17th of January, 1861, in accordance with previous notice.

The object of the meeting was stated by Mr. S. M. Barton, when on motion, Dr. Joseph I. Neiley, was chosen President, and all the soldiers of the late wars, that were present, Vice Presidents, whereupon the following persons came forward and took their seats: Budley Paul, Stephen Mead, Jas. C. Alsop, Aaron Lewis, John Sidles, James Moore and Wm. Clark. (No other names were handed in to the Secretaries.) N. B. Risinger and William Kurtz were appointed Secretaries.

On motion, the Chair appointed James T. Embree, Burr H. Polk, Geo. W. Gorman, David Robb, and Robert Duncan, a Committee on Resolutions.

There were several strings of resolves offered, but referred without debate to the Committee, who retired for consultation. During their absence the meeting was addressed by Mr. Hanna, of Evansville, by invitation previously given, as was stated—and replied to by Hon. E. Embree. After some sparring back and forth by gentlemen whose patriotism was at the boiling point, and whose anxiety to be heard was making some confusion, the Committee entered and reported the following resolutions:

WHEREAS, Disaffection exists among a class of the citizens of a portion of the States of this Confederacy, which has proceeded so far as to trample upon the Constitution, and violate the laws of the Federal Government, and whereas, we, the citizens of Gibson county, are firmly and unalterably attached to the principles of the Constitution of these United States as bequeathed to us by our fathers, and to the perpetual Union of the States, therefore

Resolved, That we renew our expressions of undiminished attachment and loyal affection for our National Constitution and Federal Union, and that we deeply deplore any influence from whatever quarter it may arise having a tendency to impair the one or destroy the other.

Resolved, That the Constitution of our country, as it now exists, is the best and wisest form of Government ever enjoyed by man, and that the welfare and happiness of the country depends upon its perpetuation: and we pledge ourselves to use every exertion and make any sacrifice necessary to that end.

Resolved, That if there exists on the Statute books of any State, either North or South, any laws which are in conflict with the Constitution of the United States, or of any law of Congress passed pursuant thereto, such laws are null and void, and ought to be repealed.

Resolved, That the fanatics and ultraists both of the North and of the South are responsible for the troubles now agitating the country, and that they do have our unqualified condemnation.

Resolved, That the action of the Governor of Mississippi in ordering batteries and armed men to intercept or in any wise interfere with the free navigation of the Mississippi river is deserving of the greatest censure and is an unwarrantable interference that cannot and should not be tolerated.

Resolved, That we always have been and now are unalterably opposed to any interference with the laws or institutions of any of the States of the Union, be that interference by individuals, by States, or by the General Government.

Resolved, That we cordially approve of the recent firm and patriotic Special Message of the President of the United States, and of his late efforts to enforce the laws of the country, and we cordially and heartily approve of the conduct of Major Anderson, in his attempt to maintain the honor of our flag and preserve the property of the country.

Resolved, That we consider this Government of ours the best ever instituted on earth by man; that it has been admired by all nations of the earth, and that as its overthrow from any cause whatsoever would be a calamity the depth of which could not be estimated by human computation, we are willing in order to settle the difficulty and heal up the breach, to make any compromise that would be just and honorable in the premises.

Resolved, That in the language of Jackson, we will ask nothing but what is right, and will submit to nothing that is wrong—"this Union must be preserved!"—and to secure that end we pledge our hearty co-operation and support.

Which were adopted by nearly a unanimous vote.

On motion, the meeting adjourned with a request to publish it in the county papers.

JOSEPH I. NEILEY, *President*.

N. B. RISINGER, }
W. M. KURTZ, } *Secretaries*.

On motion by Mr. Jones of Wayne,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of reporting a bill governing the collection of assigned claims, so that the payee, as well as the assignor, may be a competent witness in the case.

On motion by Mr. McLean,

Resolved, That the Committee on County and Township Business be directed to inquire into the expediency of so amending the law in regard to the fees of county officers, as to make the same salaried officers, where the present fees allowed by law exceed in the aggregate fifteen hundred dollars per year, the excess of said fees received by any county officer over said sum, and an additional reasonable allowance for clerk hire, to be paid into the treasury, and report by bill or otherwise.

On motion by Mr. Orr,

Resolved, That the Committee on Roads be instructed to inquire into the expediency of so amending the law regulating rates of toll on plank, gravel and Mac Adamized roads, as to make the rates of toll more uniform, increasing the rates of toll on wagons, &c., which do injury to the road, and reducing the rates of toll on sheep, &c., which do comparatively little injury to the road, and report by bill or otherwise.

On motion by Mr. McClurg,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so amending the law regulating the fees of officers, as to allow justices of the peace to receive one dollar for the trial of every cause in controversy submitted to them.

Mr. Smith, of Bartholomew, presented the following proceedings of a Union Meeting, from Bartholomew county:

UNION MEETING AT COLUMBUS, IND.

At a recent Union meeting of the citizens of Bartholomew county, at Columbus, Jan. 26th, 1861, Hon. Wm. Herod was made Chairman, and Ben. L. Smith, Secretary.

Mr. Herod made a brief but patriotic speech, giving the objects of the meeting.

A motion was made and adopted to appoint a committee of five to draft resolutions expressive of the sense of the meeting.

The Chair appointed S. Stansifer, D. Gibson, A. E. S. Long, Col. T. G. Lee and Morris Mick as said committee.

The committee retired, and after a short stay returned, and Simeon Stansifer reported the following resolutions :

WHEREAS, Our Union is in imminent danger of being overthrown by the efforts of disunionists, and whereas, the Union men of the South, particularly of the border States, are manfully and patriotically breasting the furious storms of secession, the conflict of Union and disunion being close and doubtful, therefore, be it

Resolved, By the people of Bartholomew county, here assembled, without regard to party, that we warmly and heartily sympathize with our Union brethren of the South, in their noble efforts to preserve the Union, and we say to them that we will co-operate with them in the use of all honorable means calculated to restore peace to our distracted and unhappy country.

Resolved, That we are for the Union, the whole Union, the Constitution, and the enforcement of the laws.

Resolved, That we know no difference between the traitors of the seceding States and their apologists and allies elsewhere, except that the former fear not to encounter the odium and peril of treason, while the latter are restrained only by fear from doing any overt act of treason.

Resolved, That all unconstitutional State laws, interfering with or impairing the operation of the fugitive slave law, ought at once to be repealed; and that we here say to our friends in the South, that the people of the North are no more responsible for the occasional rescue of a fugitive slave, and the occasional unfriendly and unneighborly acts on the part of some of our citizens in depriving the owner of his slaves while in transit within our borders, than are the people of the South at large for outrages committed upon the rights and persons of unoffending citizens of the North while sojourning in the South, for no other reason than that they hail from the North and have seen fit to exercise constitutionally the God given right of free suffrage, in accordance with the dictates of their own judgments and consciences; and we ask them to join with us in the use of every effort to remove these and all other causes of discord and ill feeling between the different sections of our country; and we further say to our Union brethren of the slave States, you have the brunt of the battle to bear, be of good cheer, stay not your efforts, and if the Union cannot be saved under the Constitution as it is, and if with the amendments to the Constitution proposed by the members of Congress from the border States the battle for the Union can be successfully fought and the victory won, and understanding them as we do, that Congress, by the proposed amendments relative to the territorial question, cannot establish or prohibit slavery in the territory south of the dividing line, we say to you that we are for the proposed amend-

ments, or any other just and fair measure that will insure the same glorious result, the preservation of the Union. To this end, therefore,

Resolved, That our State Legislature ought to make application to Congress for the calling of a National Convention for proposing amendments to the Constitution of the United States, pursuant to the fifth article thereof.

Resolved, That a copy of the foregoing preamble and resolutions be forwarded to our Senators and Representatives in the State Legislature, and to our Senators and Representatives in Congress, and that they be requested to present the same to the bodies of which they are members.

Resolved, That the foregoing resolutions be published in our county papers, the State Journal and Sentinel, the Louisville Journal and Democrat, and the Cincinnati Gazette and Enquirer.

Upon the introduction of these resolutions, glowing and patriotic speeches were made in their behalf by Simeon Stansifer, F. T. Ford, and Mr. Mooney, and the resolutions were then submitted to the meeting, and they were passed with great enthusiasm.

It was the largest public meeting ever held in the county.

BEN. L. SMITH, *Secretary*.

Which was referred to the Committee of Thirteen.

Mr. Holcomb offered the following resolution :

Resolved, That the Doorkeeper be instructed to subscribe for one copy of Miss Dill's Gazette for each member of this House.

Mr. Cason moved to amend by inserting the "Boone County Mail."

Mr. Collins, of Whitley, moved further to amend by inserting the "Columbia City News," and "New Albany Ledger."

Mr. Haworth moved to lay the resolution and pending amendments on the table.

Mr. Holcomb called for a division of the question.
Which was ordered.

The question being on laying the amendments on the table.
It was agreed to.

The question then being on laying the resolution on the table,

Messrs. Lane and Nebeker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Crain, Dashiel, Epperson, Feagler, Fisher, Fordyce, Fraley, Gifford, Gresham, Hall, Harvey, Haworth, Henrieks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lee, Lightner, Moody, Moorman, Moss, Nebeker, Newman, Orr, Parrett, Polk, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thompson, Thomas, Underwood, Wells and Woodruff—55.

Those who voted in the negative were,

Messrs. Atkinson, Brett, Cameron, Collins of Adams, Combs, Coopridier, Davis, Dobbins, Edson, Erwin, Ferguson, Fleming, Ford, Grover, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Mutz, Owens, Packard, Pitts, Prosser, Robbins, Smith of Bartholomew, Stotsenburg, Turner, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—41.

So the resolution was laid on the table.

Mr. Prosser moved to suspend the order of business and take up message from the Senate.

Which was not agreed to.

Mr. Woodhull offered the following resolution :

Resolved, That the reports of proceedings of Union meetings in different parts of this State offered to this House under the call for resolutions, shall be referred without reading.

Which was laid over under the rule.

Mr. Ragan offered the following resolution :

Resolved, That the Doorkeeper be requested to obtain and furnish a copy of Gavin & Hord's compilation of Statutes to each of the chairmen of the standing committees of this House.

Which was not agreed to.

Mr. Cameron offered the following resolution :

Resolved, That the rule of the House relating to the hours of session and adjournment, be suspended until February 10, and that while so suspended the House meet at 9 o'clock A. M. and adjourn at 1 o'clock P. M. for the day; provided, that the rule of the House relating to the adjournment on Saturday and hours of session on Monday be not suspended.

Which under the rule was laid over one day.

Mr. Heffren offered the following resolution :

Resolved, That the order of business of this House be so changed that the introduction of resolutions shall come after the orders of the day.

Which,

On motion,

Was agreed to.

On motion by Mr. Ferguson,

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of amending an act supplemental to an act entitled "an act to exempt property from sale in certain cases, approved February 17 1852," approved March 5, 1859, to amend section first, so as to read that before any person shall be entitled to the benefit of the provisions of the above recited act he shall make out and deliver to the sheriff or other officer having the writ, an inventory of all of his or her real or personal estate, money on hand or on deposit, rights, credits and choses in action belonging to him at the date of the issuing of the writ, and report by bill or otherwise.

Mr. Smith, of Bartholomew, offered the following resolution :

Resolved, That the Committee on Rights and Privileges be requested to inquire into the expediency of so amending the law in relation to landlords and tenants as to give the landlord's claim for rents priority over all other indebtedness.

Which was not adopted.

Mr. Orr offered the following resolution :

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of enacting a law providing penalties for

the failure of county treasurers to make their final settlement at the time required by law, and report by bill or otherwise.

Which,

On motion,

Was referred to the Committee on Judiciary.

Mr. Stotsenburg moved to reconsider the vote adopting a resolution that appointed a committee to inquire into the location of the grave of one of the signers of the Declaration of Independence.

Which was agreed to.

On motion by Mr. Nebeker,

The resolution was laid on the table.

Mr. Coopridier offered the following resolution :

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of so amending the law now regulating the granting of county or township roads, or vacating the same where one township alone is concerned, that the power thereof be transferred back to the township trustees of the several counties in the State.

Which,

On motion,

Was referred to the Committee on County and Township business:

On motion by Mr. Holcomb,

Resolved, That the Committee on County and Township business be instructed to inquire into the expediency of so amending the laws as to authorize county recorders to receive their fees for recording at the time of filing papers for record.

HOUSE JOINT RESOLUTIONS.

Mr. Allen introduced

Joint resolution No. 25. In response to the resolutions of the Legislature of the State of Virginia for the appointment of Commissioners, &c.

Which, under the resolution of the House, was referred to the committee of thirteen.

By Mr. Heffren,

Joint resolution No. 26. On the present distracted state of the country.

Was read in the House and referred to the committee of thirteen.

By Mr. Gresham,

Joint resolution No. 27. On appointing Commissioners to meet on February 4, at Washington City, in accordance with the invitation of the Governor of Virginia.

Was read in the House, and referred to the Committee of Thirteen.

By Mr. Holcomb,

Joint resolution No. 28. Joint resolution proposing a joint meeting of the two Houses, for the purpose of electing Commissioners to proceed to Washington City, and meet on the fourth of February next.

Was read and referred to the Committee of Thirteen.

On motion by Mr. McLean,

Resolved, That when the House adjourns, it adjourn to meet tomorrow morning at 9 o'clock.

Mr. Crain moved that the House do now adjourn.
Which was agreed to.

WEDNESDAY, 2 o'clock P. M., }
January 30, 1861.

The House met pursuant to adjournment.

The Clerk proceeded to read the journal, when,

On motion by Mr. Heffren,
The further reading was dispensed with.

On motion by Mr. Heffren,

Resolved, That the Clerk be directed to make an entry in the journal of all motions and resolutions decided out of order.

PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Robbins,

A petition to amend section seventy (70) of an act to provide for the valuation and assesment of taxes, &c., so as to have township assessors make their return at the March session of the board of commissioners.

Which was referred to the Committee on County and Township Business.

By Mr. Stotsenburg,

A petition from certain citizens of Newton county, in reference to the location and re-location of county seats.

Was read and referred to the Committee on County and Township Business.

By Mr. Edson,

A petition from sundry citizens of Posey county, asking a more prompt and effective law for the arrest and punishment of horse thieves.

Was read and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Wells,

A memorial from citizens of Pike county, asking the incorporation of a company to construct improvements to afford slack-water navigation between the Town of Petersburg and the crossing of the Ohio and Mississippi Railroad.

Which,

On motion,

Was referred to a Select Committee of three, consisting of

Messrs. Wells, Holcomb and Brett.

By Mr. Nebeker,

A memorial from Edward Henderson, of Warren county, on the subject of township business.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Woodruff,

A petition from sundry citizens of the State, asking laws for the preservation of the elective franchise from corruption, and for the punishment of all fraud upon the ballot-box.

Was read, and referred to the Committee on Elections.

By Mr. Bryan,

A petition asking the General Assembly to take into consideration the propriety of enclosing the Tippecanoe Battle Ground with a permanent and substantial iron fence.

Which was referred to the Select Committee on the Battle Ground.

By Mr. Woods,

A petition to pass a law to prevent the stealing of timber, and making it a penitentiary offense.

Which,

On motion,

Was referred to the Committee on Judiciary.

REPORTS FROM STANDING COMMITTEES.

Mr. Fisher, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred a resolution instructing said Committee to inquire into the expediency of so amending the assessment law, as to allow tax payers to deduct from the actual value of all their taxable property and effects, the actual amount of their indebtedness, have had that subject under consideration, and have directed me to report that, in their opinion, legislation upon the matter is inexpedient.

The report was concurred in.

Mr. Stotsenburg, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the organization of Courts, to whom was referred House bill No. 3, being a bill to amend the 16th section of an act to

fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, viz: After the word "September," in line 17 of page 2 of said bill, insert the words "of each year;" and after the word "Newton," in line 16 of page 4 of said bill, insert the words "It is hereby declared that an emergency exists," and when so amended, would respectfully recommend its passage.

Which was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Orr, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER: ' "

The Committee on Rights and Privileges, to whom was referred resolution No. 14, referring to the expediency of repealing the law requiring justices of the peace to pay to the Secretary of State one dollar, as a fee for their commissions, have had the same under consideration, and direct me to report the same back, recommending its indefinite postponement.

The report of the Committee was concurred in.

Mr. Smith, of Bartholomew, from the Committee on the rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 63, a bill to repeal an act, entitled "an act to prevent the carrying of concealed and dangerous weapons, and to provide punishment therefor," approved February 23, 1859, have had the same under consideration, and instruct me to report the same back to this House, and recommend its indefinite postponement.

The report was not concurred in.

The bill was then ordered to be engrossed.

Mr. Smith, of Bartholomew, from the Committee on the Rights

and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred a petition from the citizens of Madison City, praying for a law to protect sheep from the ravages of dogs, have had the same under consideration, and recommend me to report the same back to this House, and recommend its reference to the Committee on Agriculture.

The report of the Committee was concurred in.

Mr. Sherman, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee on Rights and Privileges, to whom was referred House bill No. 84, regulating interest on money, and to repeal an act concerning interest on money, approved May 27, 1852, and all other laws conflicting with this act, have had the same under consideration, and directed me to report the bill back to the House without amendment, and recommend its passage.

Mr. Heffren moved to indefinitely postpone the report and the bill.

Which was not agreed to.

Mr. Bundy moved that the report and bill be laid on the table, and made the special order of the day for Thursday of next week.

Which was agreed to.

Mr. Lee, from the Committee on the Rights and Privileges of the Inhabitants of the State made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 65, a bill, entitled a bill to repeal an act, entitled an act touching gaming contracts, have had the same under consideration, and have directed me to report it back, with the recommendation that it be indefinitely postponed.

The report was concurred in, and the bill, No. 65, indefinitely postponed.

Mr. McClurg, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred the resolution to inquire into the expediency of reporting a bill requiring all railroad associations in this State to employ no engineer who cannot produce a certificate of qualification, has had the same under consideration, and direct me to report the same back and recommend its indefinite postponement.

The report of the Committee was read and concurred in.

Mr. McLean, from the Committee on Organization of Courts, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 8. "A bill providing for the allowance of compensation to the clerks of the Circuit and Common Pleas Courts, and Sheriffs, for extra services, and to repeal all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Mr. Edson offered the following :

Amend by inserting, at the proper place, "said officers to be paid for such *ex officio* services at the same rates as are prescribed for similar services by law."

Mr. Heffren moved to recommit the bill and amendment to the Committee on the Judiciary.

Which was agreed to.

Mr. Orr, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 76: "A bill to amend an act approved March 5, 1855, authorizing county recorders and county surveyors to issue fee bills," have had the same under consideration, and direct me to report it back, recommending its passage.

The report of the Committee was concurred in, and the bill No. 76 was ordered to be engrossed.

Mr. Moorman, from the Committee on Agriculture made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 48: Being an act supplemental to an act entitled "an act regarding estrays and articles adrift," approved June 16, 1852, have had the same under consideration, and have directed me to report that in their opinion further legislation on the subject is unnecessary.

The report was concurred in, and the bill No. 48 laid on the table.

Mr. Thompson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee to whom was referred bill No. 67: An act in relation to fences along railroad lines, and to killing or injuring stock on railroads, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

The report was referred to the Committee on the Judiciary, and the bill read and referred to the same Committee.

Mr. Bundy moved to suspend the order of business, and take up the following message from the Senate.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution of the House, to-wit:

Senate joint resolution No. 7. A joint resolution on the present condition of national affairs.

The joint resolution was referred to the select committee of thirteen.

In which the concurrence of the House is respectfully requested.

Mr. Prosser moved to suspend the order of business and take up the following message from the Senate.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution thereof, to-wit:

Senate joint resolution No. 9. A joint resolution requiring the Treasurer of State to issue circulars calling on the several county treasurers of the State to forward to that officer the revenue of the State in their hands.

Mr. Cameron demanded the previous question.
Which was seconded by the House.

The question being, shall the main question be now put.
It was so ordered.

The question being, shall Senate joint resolution No. 9 pass:

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Brett, Brucker, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Feagler, Ferguson, Fleming, Ford, Gifford, Goar, Haworth, Hayes, Holcomb, Hopkins, Horton, Howard, Hudson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moss, Mutz, Orr, Packard, Parrett, Prosser, Prow, Ragan, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Underwood, Warrum, Wells, Williams and Woodhull—61.

Those who voted in the negative were,

Messrs. Bingham, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Adams, Fisher, Fordyce, Gresham, Hall, Harvey, Heffren, Henricks, Jenkinson, Jones of Vermillion, Moody, Moorman, Nebeker, Newman, Owens, Pitts, Polk, Randall, Sherman, Thomas, Thompson, Turner, Wilson, Woodruff, Woods and Mr. Speaker—33.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Moss moved that the House do now adjourn.
Which was not agreed to.

Mr. Cameron moved to suspend the order of business, and take up the following resolution, which was laid over under the rule of the House.

Resolved, That the rule of the House relating to the hours of session and adjournment, be suspended until February 10th, and that while so suspended, the House meet at 9 o'clock A. M., and adjourn at 1 o'clock P. M., for the day: *Provided*, That so much of the House rule relating to the adjournment on Saturday, and hours of session on Monday, be not suspended.

Mr. Heffren moved to lay the resolution on the table.
Which was agreed to.

Mr. Ford moved that the House do now adjourn.
Which was not agreed to.

Mr. Jones, of Vermillion, from a Select Committee, made the following report:

MR. SPEAKER:

Your Select Committee, to whom was referred House bill No. 51, to fix the times for holding the Circuit Courts in the Eighth Judicial Circuit, and repealing all laws in conflict therewith, have had the same under advisement, and have directed me to report the same back to the House, and recommend its passage.

Which was concurred in, and,

The bill ordered to be engrossed.

Mr. Jones, of Tippecanoe, moved to reconsider the vote on the passage of Senate joint resolution No. 9, just passed.

Mr. Prosser moved that the motion be laid on the table.
Which was not agreed to.

Mr. Parrett moved that the whole subject be indefinitely postponed.

Which motion, the Speaker decided was not in order.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The enrolled House joint resolution No. 7, to-wit: "Joint resolution on pensions to soldiers of the war of 1812" has been duly compared with the original, and find that the same has been correctly enrolled.

All of which is respectfully reported.

On motion by Mr. Bundy,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

Pending the adjournment, was the motion of Mr. Jones, of Tippecanoe, to reconsider the vote on the passage of Senate joint resolution No. 9.

Mr. Nebeker moved the previous question.

Which was seconded.

The question being, shall the main question be now put.

Which was ordered.

The question being, shall the motion to reconsider prevail.

It was agreed to.

Mr. Fisher moved that the Clerk be directed to request the Senate to return to this House Senate joint resolution No. 9.

Which was agreed to.

On motion by Mr. Fisher,

The joint resolution was laid on the table.

Mr. Edson moved to suspend the order of business, and take up House bills on third reading.

Which was not agreed to.

REPORTS FROM SELECT COMMITTEES.

Mr. Cameron, from the Select Committee, made the following report:

The Select Committee, appointed to invite Mr. Lincoln to visit the Legislature of Indiana, made the following report:

MR. SPEAKER:

Your Committee, appointed to invite Mr. Lincoln to visit the Legislature of Indiana, while on his way to Washington, would beg leave to report that they met the Senate committee, and organized a joint committee by electing Gen. George K. Steele Chairman. The joint committee then addressed Mr. Lincoln the following letter:

INDIANAPOLIS, INDIANA, }
January 16, 1861. }

HON. ABRAHAM LINCOLN:

President Elect of the United States.

Dear Sir:—The undersigned, a committee on the part of the Senate and House of Representatives of the State of Indiana, appointed by a joint resolution of both Houses of the General Assembly, do hereby invite you to pass through our Capital on your way to Washington, remain for such time as may suit your convenience, and become the guest of the people of our State; that we may through you, exhibit our devotion to the Union and our common country; and in order that the people of Indiana, through their Senators and Representatives may show their respect for the Chief Magistrate elect, their determination to stand by the Union and the Constitution, and to support the Executive in the discharge of all his constitutional obligations. Should you see fit to accept this invitation, will you please signify when and where this committee shall meet you, near the boundary line of our State, for the purpose of escorting you to the Capital.

Hoping that you will favorably consider our request, we are, with the highest respect,

Your obedient servants,

The Committee also appointed Messrs. Cameron, Branham and March a sub-committee to wait on Mr. Lincoln in person, and deliver the communication and resolution of the House and Senate.

The Committee performed that duty, and received the following communication from Mr. Lincoln.

SPRINGFIELD, ILLINOIS, }
January 28, 1861. }

Messrs. R. A. CAMERON,
WALTER MARCH, and } *Committee.*
D. C. BRANHAM,

GENTLEMEN:—I have the honor to acknowledge the receipt, by your hands, of a copy of a joint resolution, adopted by the Legislature of the State of Indiana, on the 15th inst., inviting me to visit that Honorable Body on my way to the Federal Capital.

Expressing my profound gratitude for this flattering testimonial of their regard and esteem, be pleased to bear to them my acceptance of their kind invitation, and inform them that I will endeavor to visit them in accordance with their express desire, on the 12th day of February next.

With feelings of high consideration, I remain
Your obedient servant,

A. LINCOLN.

Your Committee recommend that a committee of arrangements be raised on the part of the House, to act with a like committee on the part of the Senate, to make all necessary arrangements for Mr. Lincoln's reception and stay among us.

Which was concurred in.

BILLS INTRODUCED.

By Mr. McLean,

House bill No. 138. A bill to repeal an act entitled "an act to amend an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate as properly pertains thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, declaring what laws are in force, and providing for the election of city officers.

Which was read a first time, and passed to a second reading.

By Mr. Jenkinson,

House bill No. 139. A bill to enlarge the legal capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

Which was read a first time, and passed to a second reading.

By Mr. Sherman,

House bill No. 140. A bill to authorize the President of the Board of Sinking Fund Commissioners, (late President of the State Bank of Indiana,) to make deeds and satisfy mortgages in certain cases therein named.

Which was read a first time and passed to a second reading.

By Mr. Anderson.

House bill No. 141. A bill to amend the sixth and twentieth sections of an act entitled "an act providing for the election of supervisors of highways, and prescribing certain of their duties," approved March 5, 1859.

Which was read a first time and passed to a second reading.

By Mr. Edson,

House bill No. 142. A bill to amend section fifty-one of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Bundy,

House bill No. 143. A bill to amend the ninth section of an act regulating the fees of officers, and repealing former acts in relation thereto.

Which was read a first time and passed to a second reading.

By Mr. Knowlton,

House bill No. 144. A bill to amend section ninety-four of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of Township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

By Mr. Smith, of Bartholomew,

House bill No. 145. A bill to amend the thirty-third section of an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors,

appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time and passed to a second reading.

By Mr. Heffren,

House bill No. 146. A bill amendatory of and supplemental to an act entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14, 1852, and repealing sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of said act, and providing for a more perfect organization of the Indiana militia; for a military fund and its disbursement, for punishing failures and negligence of duty in the service, and for matters properly connected therewith.

Mr. Cameron moved to suspend the rule and read the bill by its title a first and second time.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Brett, Brucker, Bryan, Burgess, Cameron, Cason, Collins of Whitley, Edson, Feagler, Fleming, Fraley, Goar, Hall, Henricks, Holcomb, Hopkins, Hudson, Jenkinson, Jones of Tippecanoe, Knowlton, Lightner, McClurg, McLean, Moody, Newman, Orr, Owens, Parrett, Polk, Ragan, Randall, Roberts, Sherman, Sloan, Stotsenburg, Underwood and Woods—39.

Those who voted in the negative were,

Messrs. Black, Branham, Campbell, Collins of Adams, Combs, Cooprider, Dashiel, Davis, Epperson, Erwin, Fisher, Ford, Fordyce, Gifford, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Horton, Howard, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Moorman, Moss, Mutz, Pitts, Prosser, Prow, Robbins, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Veatch, Warrum, Wells, Williams, Woodhull, Wilson, Woodruff and Mr. Speaker—52.

So the rule was not suspended.

The bill was then read a first time, and passed to a second reading.

By Mr. McLean, of Vigo,

H. J.—17.

House bill No. 147. A bill to amend section sixty-eight of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, empowering the common council, by a vote of two-thirds of its members, to improve streets and alleys without petition, upon notice, unless two-thirds of the property holders shall remonstrate.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

House bill No. 148. A bill limiting the time within which prosecutions of crimes and misdemeanors must be commenced, and repealing laws inconsistent therewith.

Which was read a first time, and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill No. 149. A bill providing for the election of a Surveyor General for the State of Indiana, and prescribing certain duties.

Was read a first time, and passed to a second reading.

By Mr Jones, of Tippecanoe,

House bill No. 150. A bill providing for the election of County Surveyors, prescribing their duties and fees, and providing for appeals.

Was read a first time and passed to a second reading.

By. Mr. Prosser,

House bill No. 151. A bill to create the Fourteenth Judicial Circuit.

Was read a first time, and passed to a second reading.

M. Nebeker moved that the House do now adjourn.

Which was not agreed to.

By Mr. Collins, of Whitley,

House bill No. 152. A bill to amend section nineteen of an act, entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such term," &c., approved March 5, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Smith, of Bartholomew,

House bill No. 153. A bill to re-establish the second Judicial Circuit.

Which was read a first time, and passed to a second reading.

By Mr. Cason,

House bill No. 154. A bill to amend an act, entitled "an act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Underwood.

House bill No. 155. A bill fixing the time of holding the Circuit Court in in the Thirteenth Judicial Circuit, regulating the length of the terms thereof, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

House bill No. 156. A bill providing for the salaries and fees of Attorneys of the Common Pleas Courts, also providing for the collection of such fees, and repealing all former laws relating thereto.

Which was read a first time, and passed to a second reading.

By Mr. Black,

House bill No. 157. A bill to repeal so much of an act, entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852, as authorize holding district and State boards of equalization.

Which was read a first time, and passed to a second reading.

By Mr. Polk,

House bill No. 158. A bill to amend the seventh section of an act, entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Which was read a first time and passed to a second reading

On motion by Mr. Heffren,

The House adjourned until to-morrow morning at 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
January 31, 1861. }

The House met.

On motion by Mr. Davis,

The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES,

By Mr. Roberts,

A petition from citizens of Aurora, transmitting proceedings of a Union meeting.

Which was referred to the Committee of Thirteen.

By Mr. Ferguson,

A petition from citizens of Monroe township, Morgan county, for the relief of John Ballentine.

Was read and referred to the Committee on claims.

By Mr. Turner,

A petition from William B. Matthews and Thomas J. Johnson, asking the State of Indiana to pay them for services rendered in capturing a fugitive from justice.

Which was referred to the Committee on Claims.

Mr. Howard presented the following proceedings of a Union Meeting in Clark county.

UNION MEETING IN CLARK COUNTY.

Pursuant to previous notice, a large concourse of the citizens of Clark county, Indiana, irrespective of party, met at the Court House in Charlestown, on Saturday, January 26, 1861, for the purpose of taking into consideration and expressing their views on the unhappy differences which now so seriously agitate and divide the different sections of our country.

On motion of W. S. Ferrier, Esq., Col. Thos. Carr was chosen President of the meeting; Capt. John F. Willey and Col. Aaron

Martin, Vice Presidents; and on motion, James P. Applegate and B. F. Walter were appointed Secretaries.

On motion by Cyrus T. Nixon, Esq., a committee of five were appointed to draft resolutions expressive of the views of this meeting. Cyrus T. Nixon, John Jacobs, S. E. W. Simonson, Lewis McCoy, and John Y. Weir, were appointed said committee.

The committee, after retiring and consultation, reported the following resolutions, which were unanimously adopted:

Resolved, That that the propositions submitted by the Hon. John J. Crittenden, in the Senate of the United States, as a basis of settlement of the present difficulties, meet the cordial response and approval of this meeting, and we hereby instruct our members of Congress to adopt them in the settlement of the unhappy differences which now disturb and distract the States of this Republic.

Resolved, That in the event the Crittenden propositions or any other cannot be made the basis of settlement of the differences of the States of this Union, we recommend that the States of Virginia, Pennsylvania, Ohio, Kentucky, Tennessee, Delaware, Indiana, Illinois, Missouri, Iowa, Maryland, and New Jersey—the border States—combine their wisdom by a convention of delegates, chosen to devise some method by which the country and her institutions can be preserved and perpetuated, or to form a nucleus around which other States may rally, and thereby restore the glorious legacy of our fathers unimpaired.

Resolved, That the government can only be maintained by justice, love and forbearance, by each section of the country toward the other, and that a resort to arms will not only strengthen the secession movement in the South, by arousing Southern sympathy, but that it will create a deadly hostility between the two sections of the Union which can never be overcome.

Resolved, That this meeting does most earnestly request the General Assembly of this State, now in session, to appoint Commissioners to meet in Washington City, on the fourth day of February next, such Commissioners as may be appointed by other States, pursuant to the recent suggestions of the Legislature of Virginia, "to consider, and if practicable, to agree upon some suitable adjustment of the unhappy controversy which now divides the States of this Union."

On motion by W. S. Farrier, Esq.,

Resolved, That our State Senator, the Hon. Charles P. Ferguson, be requested to present a copy of the proceedings of this meeting to the General Assembly of our State, now in session.

On motion by John C. Huckleberry, Esq.,

Resolved, That a copy of the proceedings of this meeting be published, by request, in the newspapers of this District friendly thereto, and that a copy of the same be sent to the Governor of the State, also to the Hon. Wm. H. English, our representative in Congress.

On motion of Geo. W. Kirk, the meeting then adjourned.

THOMAS CARR, *President*.

JAS. P. APPLEGATE, }
B. F. WATTER, } *Secretaries*.

Which was referred to the Committee of Thirteen, under the resolution of the House.

Mr. Cameron, by unanimous consent, offered the following resolution :

Resolved, That the rule of the House be so amended as that the House meet at 9 o'clock and adjourn over at 1 o'clock for the day, except on Saturday, when the House shall adjourn at 11 o'clock, and except on Monday, when the House shall meet at 2 o'clock and adjourn at 5 o'clock.

Which was laid over under the rule.

Mr. Smith, of Bartholomew, by unanimous consent, offered the following resolution :

Resolved, That the Judiciary Committee be requested to inquire into the expediency of so amending the law, when suit has been brought, judgment obtained and execution issued, that none other than the proper officer shall be allowed to receive the amounts of said debts without first collecting the amount allowed said officer as his commission, as provided by law, and if said Committee deem it expedient to so amend the law, that they report a bill in conformity therewith.

Which was agreed to.

By Mr. Roberts,

A petition from A. J. Cotton, in relation to a book called Cotton's Keepsake, and asking to furnish it to the township libraries of the State at fair wholesale prices.

Mr. Bundy moved to refer to a committee of one.

Mr. Branham moved to lay the petition on the table.

By Mr. Jenkinson,

A petition from the Architect of the Committee to investigate the affairs of the Northern State Prison, asking for authority to demand inspection of papers.

Accompanying the petition, Mr. Jenkinson, by consent of the House, offered the following resolution :

Resolved, That the Architect employed by the select committee of the Northern State Prison be authorized to have free access to all papers, contracts, estimates and other papers, now in the possession of any officer of said prison, or any officer of the State.

Which was adopted.

By unanimous consent, the special order of the day, which was the consideration of House bill No. 62, was postponed until the report of the committee of thirteen is disposed of.

By Mr. Kendrick,

A memorial from Geo. W. Griffith, asking pay for services rendered in repairing State House.

Which was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 1, entitled "a bill defining certain felonies and misdemeanors, and describing punishment therefor, etc.," have had the same under consideration, and instruct me to report the same back to this House with the following amendments and additional sections, to-wit, and when so amended, recommend the bill for the action of the House.

Amendments reported by the Judiciary Committee to House bill No. 1 :

In the twentieth line strike out the words "the crime of embezzlement," and insert "a felony."

In the twenty-seventh line strike out the word "embezzled," and insert the following instead: "so unlawfully used, converted, invested or exchanged."

In the thirty-first line strike out "or any failure of such officer," and insert "when demanded by any officer or person entitled to receive the same or."

In the thirty-fourth line strike out "embezzlement," and insert "felony."

In line forty-three, after the word "shall," insert the words "wilfully or fraudulently."

In the forty-eight line strike out "breach of trust," and insert "felony."

In the seventieth line strike out the word "of" at the beginning of the line.

In the ninety-eighth line strike out the words "and of his official term or sooner."

In the one hundred and fourth line strike out the word "breach of trust," and insert "a felony."

In the one hundred and fifth line at the beginning of the line insert "upon conviction thereof."

Additional sections reported by Judiciary Committee to House bill No. 1:

SEC. 8. If the Auditor of State shall have any warrant upon the Treasurer of State, unless there be money in the Treasury belonging to the particular fund upon which the same is drawn to pay the same, and in conformity to appropriations made by law, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100 nor more than \$1,000, and be imprisoned in the county jail not less than one nor more than six months:

SEC. 9. If the Treasurer of State shall use the money of any particular fund, or the money appropriated by law for any particular purpose, to pay any warrant drawn upon any other fund or appropriation, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than \$100 nor more than \$5,000, and be imprisoned in the county jail not less than one month nor longer than six months.

Which was concurred in, and the amendments adopted.

On motion by Mr. Branham,

The bill was laid upon the table and made the special order of the day for Tuesday next at 2 o'clock.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 35, entitled a bill to amend section two hundred and thirty-eight of an act entitled "an act to revise, simplify and abridge the rules, practice, etc.," approved June 18, 1852, have had the same under consideration, and direct me to report to this House that in the opinion of a majority of the Committee further legislation upon the subject is inexpedient, and that the bill be laid on the table.

The report of the Committee was concurred in, and the bill No. 35 laid on the table.

Mr. Heffren, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 13, entitled "an act making provision for refunding etc.," have had the same under consideration, and instruct me to report the same back to this House with the following amendments, to-wit:

Strike out the words "with interest thereon from the time of the payment thereof into such county treasury."

Also add

SEC. 3. Be it further enacted, that it shall be the duty of the Board of Commissioners of the proper county, in all cases when any person has been fined any sum of money for carrying on the business of stock or exchange broker without having taken out a license so to do, as required by section one of said act, and has paid the same, to refund the said sum of money to the party so paying as aforesaid, upon application being made therefor.

And the said Committee recommend that said bill, when so amended, be passed.

The report of the Committee was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Edson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 68, entitled a bill to amend section four hundred and sixty-six of an act entitled "an act to revise, simplify and abridge the rules, practice and pleadings in civil cases in the Courts of this State," have had the same under consideration, and direct me to report the same back to this House, and recommend its indefinite postponement.

The report of the Committee was concurred in, and the bill indefinitely postponed.

Mr. Woodhull, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 75, entitled a bill to amend section four hundred and twelve of an act entitled "an act to revise, simplify and abridge the rules and practice, etc.," approved June 18, 1852, have had the same under consideration, and instruct me to report to this House that in the opinion of the Committee further legislation upon the subject is inexpedient, and that the bill be laid on the table.

The report of the Committee was concurred in, and the bill laid on the table.

Mr. Heffren, from the Committee on Judiciary made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 21, entitled a bill to amend section 421 of an act entitled "an act to revise, simplify and abridge the rules and practice," approved June 18, 1852, have had the same under consideration, and instruct me to report the same back to the House, and recommend its indefinite postponement.

The report of the Committee was concurred in and the bill laid on the table.

Mr. Edson, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 2, entitled a bill declaring it to be a felony to leave open gates or let down fences, or destroy cattle guards along the line of railroads, and providing the penalty therefor, have had the same under consideration, and instruct me to report back to the House that the said bill be laid on the table, and that said Committee recommend to the House the following substitute:

House bill No. 159. A bill declaring it to be a misdemeanor to leave open gates, or let down fences, or destroy cattle guards along the line of railroads, and providing the penalty therefor.

Which was read a first time, and passed to a second reading.

Mr. Collins, of Whitley, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Committee on Judiciary, to whom was referred Mr. Black's resolution No. 43, requesting said Committee to inquire into the expediency of defining an assault. have had the same under consideration, and instruct me to report the following bill and recommend its passage:

House bill No. 160. A bill to amend section one of an act entitled "an act prescribing certain misdemeanors punishable only by a justice of the peace," approved June 7, 1852.

Which was read a first time, and passed to a second reading.

Mr. Woodhull, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 66, entitled a bill to amend section four hundred and seventy-six of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, etc.," have had the same under consideration, and direct me to report the same back to this House, and recommend its indefinite postponement.

The report of the Committee was concurred in, and the bill indefinitely postponed.

Mr. Veatch, from the Committee on Judiciary, made the following majority report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 5, have had the same under consideration, and have instructed me to report back to this House that in the opinion of the majority of said Committee, any legislation upon the subject is inexpedient, and they recommend that said bill be indefinitely postponed.

J. C. VEATCH,
M. L. BUNDY.

Mr. Jenkinson, from the same Committee, made the following minority report:

To the Hon. Speaker and House of Representatives:

The undersigned members of the Judiciary Committee of the House, to whom House bill No. 5 was referred, beg leave to make the following minority report: That in their opinion said bill is meritorious, and if the same becomes a law, will introduce economy into the county expenditures and prevent needless expenditure, and recommend its passage.

M. JENKINSON.

On motion by Mr. Jenkinson,
The further consideration of the reports was postponed until Friday of next week.

Mr. Boydston asked and obtained leave of absence during the day.

Mr. Bundy, from the select committee of thirteen, made the following majority report:

MR. SPEAKER:

The majority of the select committee of thirteen, to whom was referred "a joint resolution on the present condition of national affairs," have had the same under consideration, and have directed me to report the joint resolution back to this House, and recommend its passage.

The Select Committee of Thirteen on Federal Relations, made the following further majority report:

MR. SPEAKER:

The Select Committee of Thirteen, to whom was referred certain resolutions of the State of Virginia, inviting the State of Indiana to send Commissioners to meet the Commissioners appointed by that State in convention, to be held in the City of Washington, on the 4th day of February next, to take into consideration the unhappy differences now dividing the country, and if possible to agree upon some adjustment, have duly considered the invitation of the State of Virginia, and the terms of adjustment proposed by her in the resolution, and a majority of the committee have directed me to submit to this House the accompanying preamble and joint resolution, entitled "a joint resolution authorizing the Governor to appoint Commissioners to meet those sent by other States in convention, to consider the present State of the Union," and recommend their passage. The committee still have before them numerous papers on the subject of the preservation of the Union, which they have not yet had time to consider, but which they desire to consider and report upon at an early day.

Joint resolution No. 29. A joint resolution authorizing the Governor to appoint Commissioners to meet those sent by other States in convention, to consider the state of the Union.

Mr. Heffren, from the Select Committee of Thirteen on Federal Relations, made the following minority report:

MR. SPEAKER:

The undersigned, the minority of the select committee of thirteen, to whom was referred the resolution proposing that this House adopt as their sentiments the proposition offered in the United States Senate, by the Hon. John J. Crittenden, and to whom was referred the various resolutions of the House upon Federal affairs, would report the following as their views upon the same:

They would say, without intending to cast any reflections upon the presiding officer of this House in the formation of said committee, that in their opinion justice, as well as all parliamentary usage and law, would say that the friends of the original proposition should have a majority upon the committee, and more especially when the original proposition or resolution was the Crittenden amendment. Afterwards, a multitude of propositions and resolves were referred to said committee, upon which the committee once made a unanimous report, which was afterwards recommitted.

Upon all the various propositions we will not speak in detail, but being moved by a patriotic sense of duty to our common country, we ask prompt action upon some scheme of adjustment that will preserve the Federal Union and restore tranquility to the country. Entertaining the most profound convictions of the blessings, as well as the threatened dangers of the Union, they are willing to make great sacrifice to perpetuate the one and avert the other. At a time like this, when the foundations of the National Government are shaken, and its pillars are crumbling away, it is the solemn duty of every patriot of the land to discard all specious fallacies in regard to slavery, all blind resentments for supposed aggressions, all pride and sectional animosities, and all partizan criminations, and forgetting the mutual provocations of the past, bring all offensive doctrines and platforms, all abstract theories and barren creeds, as sacrifices upon the altar of a common country.

The undersigned, entertaining these views, have been and now are willing to sacrifice their former political ideas, notions and opinions, upon the altar of their country, for the sake of preserving the heritage our fathers left us. They are pained to witness the present excited and alarming state of the public mind, yet common justice seems to require that we should revert to the history of the past and see what it is that has brought our nation to the verge of dissolution. In doing so, we must say that the continued agitation in Congress, the State Legislatures, and the people, by fanatical vagabonds, about the pres-

ent alarming condition of affairs: Anti-slavery lecturers, orators and stump speakers have, it seems to us, done all in their power to aid and assist in the great drama; and even professed ministers of God, men who hypocritically pretend to be ambassadors of the Most High, have descended from their lofty position and prostituted their talents and the pulpit, soiled the robes of religion, disgraced decency and outraged morality, by their infamous and hellish harangues, to aid in the unholy and unchristian cause of bringing about contention and strife. Their whole theme has been of the wrongs of another race, upon whose very forms the God of creation has stamped the impress of inferiority to that of the white, and by their lectures, speeches and sermons, have pertinaciously continued the crusade until we now stand, as it were, upon the slumbering volcano, with its hot boiling lava rolling and thundering beneath our feet, and wanting but a breath to overwhelm all in a common ruin. Such is the terrible condition of our country to-day, and to this has she been brought by demagogues and fanatics, until a portion of the people of the Union seek to preserve their rights by secession. Star after star has fallen in quick succession from the national firmament, and soon more will follow, unless the gaping, bleeding wounds of our country are staunch. Can we ever hope for a return to justice by the North? We fear not. Madness seems to rule the day—the hour. Reason and discretion seem to have fled their seats, and left the impulses and passions of man to run riot. Love of country seems to be forgotten, and patriotism banished from the hearts of men. Confusion and discord appear on every hand.

In this condition of our country, in the present disordered exigencies of the hour, the undersigned believe that every effort for reconciliation should be exhausted, every offer of compromise duly and fairly considered, and well examined, that we should meet our brethren of the South as patriots and lovers of a common country, who, while sternly and properly protecting their own rights and liberties, would not infringe upon ours. That each and all should sacrifice partizan prejudices and opinions, however much we may dislike so to do, for the good of our country, and accept any offer which is honorable and calculated to save the country and liberties of the people, seems to us a plain duty, as well as a patriotic one.

In holding these views, the undersigned would accept and respond to the invitation of Virginia for the appointment of Commissioners to confer with others at Washington City, on the 4th of next February, and would accept the propositions known as the Crittenden, Border State, or any other just and honorable scheme of conciliation and adjustment, which will save the Union, and forever settle the slavery question.

They would further say that they believe this government “derives its just powers from the consent of the governed,” and that it would become subversive of the very spirit of liberty and of national right to attempt by the strong arm of Federal power, backed up as it would be by the army and navy to coerce or compel the people of

any State or States to remain an integral part of a government they desire to separate from, and that we cannot view but with serious alarm any attempt upon the part of the general government to make vassals and serfs of the freemen of the country, to do homage to a great power at the point of the sabre or bayonet. If such a course should be pursued and be successful, the free citizens of Indiana would have no guarantee of their liberties, worth the name; and when a dominant party, placed in power upon the very question which is now disrupting the government, attempts to enforce its political creeds and dogmas at the point of the bayonet and at the cannon's mouth, it becomes every freeman to say whether he will assist in the hellish scheme, or whether he will stand idly by and see despotism flourish, or whether he shall take the part and espouse the cause of those who shoulder their arms to protect and preserve their rights and liberties. We believe we will be safe in saying that we speak the sentiments of more than one hundred thousand freemen of Indiana, that we will not assist in the scheme, that we will not stand idly by, but remembering the illustrious examples of their fathers, fight to keep the fires of equal rights, justice and liberty. Being yet desirous as we are of preventing any collision between the people of any State or States and the Federal Government, or between the people of the several States, to avoid the horrors of a civil war, with all its concomitant train of evils, to avoid the shedding of blood, the ravaging of villages, the sacking of cities, to preserve, and if possible transmit unimpaired to our posterity, the best government ever established, maintain our station among the nations of the earth, and still preserve our land and nation as an asylum for the oppressed of all nations, would report for adoption the following

JOINT RESOLUTIONS.

Be it resolved by the General Assembly of the State of Indiana:

That in the opinion of this General Assembly Commissioners should be appointed to meet the Commissioners of other States, on the 4th of February next, in accordance with the request of the General Assembly of Virginia, and that Henry S. Lane, Caleb B. Smith, William T. Otto, Cyrus L. Dunham and Thomas A. Hendricks, be and they are hereby appointed such Commissioners, to proceed to Washington City without delay, to meet the Commissioners of other States, to consult upon the present alarming condition of the country, and that they report their action to this General Assembly.

Be it further Resolved, That we accept as a basis of settlement, the propositions of Hon. John J. Crittenden, made in the Senate of the United States.

Be it further Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all their influence to have

said propositions accepted by Congress, and that they do all in their power to have a convention of delegates to amend the Constitution.

Be it further Resolved, That the people of Indiana should have occasion to express their opinions upon said propositions at the ballot box; therefore, we do recommend the passage of a law, as soon as possible, to allow the people to vote for or against such propositions on the 22d day of February next.

Be it further Resolved, That we are willing to accept any honorable measure of pacification of the present difficulties to save our country, the Union and the Constitution.

H. HEFFREN,
N. JENKINSON,
C. B. KNOWLTON,
LEWIS PROSSER,
WM. E. McLEAN.

On motion by Mr. Veatch,

Resolved, That in debating the resolutions in relation to the appointment of Commissioners to meet at Washington on the 4th day of February, 1861, no member shall occupy more than thirty minutes, and that the debate be closed at 12 o'clock at noon on Friday next.

Mr. Stotsenburg moved to concur in the report of the majority of the Committee of thirteen, with the following amendment:

Insert after the word "represented," and whereas six Southern States of this confederacy have, by action of their people in convention assembled, assumed to themselves the power of dissolving their connection with the Government of the United States; and whereas, it is greatly to be feared that the other Southern States will shortly take the same steps, unless some plan of compromise and honorable adjustment is speedily agreed upon, which will meet the approbation of the Border States of the South, and the conservative masses of the country, and bring back the seceding States into the Union; and whereas, the scheme of adjustment proposed by the Hon. John J. Crittenden, is acceptable to said Border States, and has been more widely and generally recommended by the people in all sections of the country, and especially by Union meetings in the State of Indiana, than any other plan proposed; and whereas, the people are the source of all power, and it is proper and right that in this crisis an expression should be had of the views of the people of the State of Indiana upon the Crittenden propositions, more especially for the purpose of guiding the action of the Commissioners whose appointment is hereby contemplated, therefore,

Resolved, By the House of Representatives of the State of Indiana, the Senate concurring therein, that the series of propositions lately submitted by the Hon. John J. Crittenden, in the Senate of the United States, ought to be submitted to the people of the State of Indiana for their approval or rejection, at a special election, to be held on the 22d day of February next, and that at such special election the electors of the State shall be permitted to vote as follows, either for the Crittenden propositions or the substance thereof, or against the Crittenden propositions or the substance thereof.

The question being on the motion made by Mr. Stotsenburg,

Messrs. Edson and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren,
Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton Lods,
McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser,
Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stot-
senburg, Trier and Warrum—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Da-
shiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley,
Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks,
Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion,
Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman,
Nebeker, Newman, Orr, Ragan, Randall, Sherman, Sloan, Smith of
Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells,
Williams, Wilson, Woodhull, Woodruff Woods and Mr. Speaker—60.

So the motion did not prevail.

Mr. Stotsenburg moved to concur in the majority report, with the following amendment:

Strike out after the word while, “we are not prepared to assent to the terms of settlement proposed by the State of Virginia,” and insert the following: “while we at present express no opinion upon the terms of settlement proposed by the State of Virginia.”

The question being on concurring in the report,

H. J.—18.

Messrs. Dobbins and Edson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren,
Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser,
Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stot-
senburg, Trier and Warrum—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain,
Dashiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce,
Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth,
Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of
Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody,
Moorman, Nebeker, Newman, Orr, Ragan, Randall, Sherman, Sloan,
Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch,
Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker
—60.

So the amendment was not agreed to.

Mr. Heffren offered the following amendment :

Concur by giving the Legislature the power to appoint the Com-
missioners, and that Henry S. Lane, Caleb B. Smith, Wm. T. Otto,
Cyrus L. Dunham and Thomas A. Hendricks be, and they are hereby
appointed said Commissioners, and that they report their acts and
doings to this General Assembly, and that all that part of the joint
resolution that prevents the Commissioners acting until nineteen
States are represented, be stricken out.

The question being on the adoption of the amendment,

Messrs. Dobbins and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren,
Holcomb, Horton, Howard, Jenkinson, Kitchen, Lods, McClurg,
McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow,
Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg,
Trier and Warrum—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—60.

So the amendment was not agreed to.

Mr. Prosser moved to amend by striking out all in relation to the appointment of Commissioners by the Governor, and insert the names of Henry S. Lane, W. T. Otto, C. B. Smith, J. P. Usher and Thos. S. Stanfield, be selected by the Legislature.

The question being on the amendment,

Messrs. Jenkinson and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Hefren,
Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
McClurg, McLean, Moss, Mutz, Packard, Pitts, Polk, Prosser, Prow,
Robbins, Roberts, Stevenson, Stotsenburg, Trier and Warrum—36.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Da-
shiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley,
Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks,
Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion,
Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman,
Nebeker, Newman, Orr, Ragan, Randall, Sherman, Sloan, Smith of
Bartholomew, Smith of Miami, Thomas, Thompson, Turner, Under-
wood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods
and Mr. Speaker—60.

So the amendment was not agreed to.

Mr. Edson moved to amend by inserting in the proper place, that

the Governor be requested to appoint the Commissioners at his earliest convenience, and that said Commissioners repair immediately to Washington to consult with Commissioners from other States, of the difficulties that are now disturbing our peace, and agree upon an honorable and fair basis for the settlement of all difficulties.

Mr. Heffren moved to amend the amendment by adding the following:

That we accept as a basis of settlement the Crittenden proposition, offered in the Senate of the United States.

The question being on the adoption of the amendment to the amendment,

Messrs. Edson and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heff-
ren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser,
Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsen-
burg, Trier and Warrum—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell,
Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier,
Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins,
Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of
Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker,
Newman, Orr, Ragan, Randall, Sherman, Sloan, Smith of Miami,
Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams,
Wilson, Woodhull, Woodruff Woods and Mr. Speaker—60.

Mr. Davis moved to amend by striking out the words nineteen States, and inserting in lieu thereof "ten States."

Which the Speaker decided to be out of order.

By unanimous consent, Mr. Edson withdrew his amendment.

Mr. Heffren offered the following:

Amend by inserting in the proper place that this General Assembly elect five Commissioners, and that Henry S. Lane, Wm. T. Otto, Caleb B. Smith, William K. Edwards and James E. Blythe, be and they are hereby elected Commissioners, and that they report their acts and doings to this General Assembly.

Mr. Smith, of Bartholomew, offered the following :

Amend by striking out the name of Caleb B. Smith, and insert the name of C. L. Dunham.

On motion by Mr. Bundy,
The amendment was laid on the table.

The question being on the original amendment offered by Mr. Heffren,

Messrs. Heffren and Edson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heff-
ren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
McClurg, McLean, Moss, Mutz, Packard, Pitts, Polk, Prosser, Prow,
Robbins, Roberts, Stevenson, Stotsenburg, Trier and Warrum—36.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Da-
shiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley,
Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks,
Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion,
Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman,
Nebeker, Newman, Orr, Ragan Randall, Sherman, Sloan, Smith of
Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells,
Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—60.

So the amendment was laid on the table.

The question being on concurring in the majority report, and the
passage of joint resolution No. 29,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett,
Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins

of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hays, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, and Mr. Speaker—90.

Those who voted in the negative were,

Messrs. Heffren, Howard, Kitchen, Lods, Smith of Bartholomew, and Woods—5.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Heffren,

The House adjourned till 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House met.

By unanimous consent, Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 119, "a bill concerning the State, county, township and road tax, of the counties of Newton and Jasper, have had the same under consideration, and have instructed me to report it back and recommend its passage.

Which was concurred in.

Mr. Moody moved that the bill be considered, engrossed and read a third time now.

Which was agreed to.

House bill No. 119. A bill concerning the State, county, township and road tax, of the counties of Jasper and Newton.

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Coopridger, Crain, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Gore, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Pitts, Polk, Prow, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Combs and Dobbins.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Fisher moved to take up the following message from the Senate:

Which was agreed to.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 97. A bill to amend section twenty-one of "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and

making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and declaring when this act shall take effect.

In which the concurrence of the House is respectfully requested.

Which was read a first time.

Mr. Fisher moved to suspend the rule, and read the bill a second time by its title now.

The question being, shall the rule be suspended,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Burges, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, For-dyce, Fraley, Frasier, Gifford, Gear, Grover, Hall, Harvey, Haworth, Hefiren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Pitts, Polk, Prosser, Prow, Randall Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—88.

So the rule was suspended, and,

Senate bill No. 97 was read a second time by its title.

By unanimous consent,

Mr. Fisher moved to amend the bill as follows, to-wit:

SEC. 2. All writs, subpoenas, venires, rules, orders of Courts, recognizances, publications, and process whatever, which may have issued from the Wabash Court of Common Pleas, shall be deemed and taken to be, and are hereby made returnable on the first day of the February term of the said Wabash Court of Common Pleas, to be holden in virtue of this act.

Which was adopted.

Mr. Fisher moved that the amendment be considered as engrossed, and the bill read a third time now.

Which was agreed to.

Senate bill No. 97 was read a third time, and,

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henrieks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff Woods and Mr. Speaker—90.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Smith, of Bartholomew, from the Committee on Public Expenditures, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Public Expenditures have directed me to report the following bill:

House bill No. 161. A bill to amend the eleventh section of an act, entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public monies of the State, and for the safe keeping of the public money," passed March the first, 1859.

Which was read a first time, and passed to a second reading.

Mr. McLean moved that two hundred copies of House bill No. 63 be printed for the use of the House.

Which was agreed to.

Messrs. Holcomb and Smith of Bartholomew, asked and obtained leave of absence.

Pending the adjournment, the majority and minority reports of the Committee of Thirteen were under consideration.

Mr. Stotsenburg offered the following amendment:

AND WHEREAS, It is eminently proper that the people of the United States should, in a general convention of the States, hear all alleged grievances of any States of the Union, either North or South, and settle such grave questions, in preference to politicians and partisans, therefore,

Resolved, By the General Assembly of the State of Indiana, that, in conformity with article fifth of the Constitution of the United States, this General Assembly does hereby apply to the Congress of the United States to call a convention of the States for the purpose of considering and proposing amendments to the Constitution of the United States, and hearing the alleged grievances of the several States of the Union.

Resolved, That the Legislatures of the several States are invited and urged to co-operate with us in the application for a convention of the States, and the Governors of those States whose Legislatures are not now in session, are urged to convene them immediately for this purpose.

Resolved, That the Governor be directed to transmit to each of our Senators and Representatives in Congress, a copy of the foregoing resolutions, for presentation to Congress, and also a copy to the Governor of each State of the Union, with a request to lay the same before their respective Legislatures.

The Speaker laid before the House the following communication from the Warden of the State Prison:

INDIANA STATE PRISON, }
Jeffersonville, January 30, 1861. }

TO HON. J. W. GORDON,

Clerk of the House of Representatives, Indianapolis, Indiana:

DEAR SIR:—Your copy of the resolution passed by the House was duly received. On the first day of February next, I will transmit a full statement of the amount due this Prison from contractors, up to that time. I presume this will be more satisfactory to the House

than a statement showing the amount due on the first of January, as some small payments have been made since that time.

Respectfully,

DAVID W. MILLER, *Warden.*

The Speaker laid before the House the following communication :

INSTITUTION FOR THE BLIND, }
January 30, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR:—I am in receipt of the following resolution of the House, to-wit:

Resolved, That the Superintendents of the Deaf and Dumb, and Blind Asylums, are respectfully invited to give exhibitions of the proficiency of the pupils under their care, respectively, before the members of this General Assembly, and that the Clerk of this House be instructed to inform those gentlemen of the passage of this resolution, and report to this House the time when, and the place where, it will be convenient for them to hold such exhibition.

And in compliance therewith, I have the honor to name for the exhibition by the pupils of the Institution under my charge, Friday, the 15th prox., at 3 o'clock P. M., as the time; and the Hall of this Institute as the place, for holding such exhibition.

Very respectfully,

J. McWORKMAN, *Superintendent.*

On motion by Mr. Cameron,

The House adjourned until to-morrow morning at 9 o'clock.

FRIDAY MORNING, 9 O'CLOCK, }
February 1, 1861. }

The House met.

On motion by Mr. Edson,
The reading of the journal was dispensed with.

On motion by Mr. Stotsenburg,
The order of business was suspended to enable him to make a motion to reconsider the vote on indefinitely postponing House bill No. 66.

Laid over until Tuesday next.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following joint resolution of the House, to-wit:

House joint resolution No. 29. A joint resolution authorizing the Governor to appoint Commissioners to meet those sent by other States in Convention, to consider the state of the Union."

Mr. Cason, by unanimous consent, moved to reconsider the vote laying House bill No. 55 on the table.

Which was laid over till Tuesday next.

The Standing Committee on the Affairs of the State Prison, asked and obtained leave to sit during the sessions of the House.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Nebeker,

A petition from sundry citizens of Jeffersonville, asking an unconditional repeal of the laws regulating the State Prison, and that of pilots at the falls of the Ohio.

Which was read and referred to the committee of thirteen.

On motion by Mr. Roberts,

The memorial of Mr. Cotton was taken from the table and referred to the Committee on Education.

Mr. Veatch, Chairman of Committee on Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred the resolution of the House No. 16, instructing them "to inform this House whether or not a law requiring a specified period of residence in a township to entitle any person to vote in such township or precinct, would be constitutional," have had the same under consideration, and instruct me to report that in the opinion of said Committee any such act would be unconstitutional; but that a law may be enacted declaring what shall be deemed evidence of a residence in cases of transient persons having no fixed residence.

The report of the Committee was read and concurred in.

Mr. Veatch, Chairman of Committee on Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee to whom was referred the resolution of the House No. 19, instructing them to inquire into the expediency of requiring a residence of sixty days in the county, and not less than thirty days in the township or precinct in which any voter of this State may offer to vote, have had the same under consideration, and instruct me to report back to this House that in the opinion of said Committee the second section of the second article of the Constitution of Indiana fixes the qualification of voters, and that the Legislature has no power to require a residence in a township for any period as a condition to the exercise of the right of voting. A residence in the township or precinct is all that the Constitution requires, and a residence of one day, if the voter possess the other qualifications, is as valid as a residence of one year. But the Committee would state that in cases of transient persons having no apparent fixed residence, a law may be enacted declaring what shall be deemed and taken as evidence of a residence, and that the object sought in the said resolution may to a great extent be attained in that way.

The report of the Committee was concurred in.

Mr. Edson, from the Judiciary Committee, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 71, have had the same under consideration, and have instructed me to report the same back to this House, and recommend its passage.

The report of the Committee was concurred in, and the bill ordered to be engrossed.

Mr. Grover, by unanimous consent, offered the following resolution :

Resolved, That the Committee on Education be authorized to employ a clerk for such time as they may need the same.

Which was agreed to.

Mr. Stotsenburg, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 50, entitled a bill to repeal an act entitled "an act to provide for the return of the jury of the Common Pleas Court at the third day of the term," approved March 5, 1859, have considered the same, and directed me to report that the present law on the subject provides for a proper, sufficient and economical method of summoning jurors in said Court, and that it would not be expedient to legislate further upon the subject at this time, and do therefore recommend that the bill be laid upon the table.

The report of the Committee was concurred in, and the bill laid on the table.

Mr. Moody, from the Committee on Swamp Lands, made the following report :

MR. SPEAKER:

The Committee to whom was referred the petition of John J. Morrison and others, citizens of Washington county, and also the petition of S. W. Holmes and others, asking for an appropriation out of the Swamp Land Fund, to pay for the removal of a mill dam on the Muscatutuck river in Jackson county, beg leave to report that there

does not sufficient cause appear in said petitions to warrant such appropriations, and therefore recommend that the prayer of the petitioners be not granted.

Which was laid on the table.

Mr. Jenkinson asked leave for the select committee on the Northern State Prison to sit during the session of the House.

Which was not granted.

Mr. Collins, of Whitley, by unanimous consent, called up

House bill No. 152. A bill to amend section nineteen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms," &c., approved March 5, 1859.

Which was read a second time, and ordered to be engrossed.

Mr. Anderson obtained leave to introduce

House bill No. 162. A bill to amend the one hundred and seventh section as amended and approved March 5, 1859, of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and repealing all laws and parts of laws coming in conflict with this act.

Which was read a first time, and passed to a second reading.

Mr. Orr, by unanimous consent, moved to take up the following message from the Senate:

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 74. A bill to fix the time of holding the Circuit Courts in the seventh judicial circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith."

In which the concurrence of the House is respectfully requested.

Senate bill No. 74 was read a first time.

Mr. Orr moved to suspend the rule and read the bill a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hays, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebcker, Newman, Orr, Owens, Packard, Pitts, Polk, Prosser, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—88.

No one voting in the negative.

So the rule was suspended, and the bill read a second time by its title.

On motion by Mr. Orr,

The bill was referred to a select committee of one from each county composing the seventh judicial circuit.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to bring to the House of Representatives for the signature of the Speaker thereof, enrolled Act of the Senate No. 97:

“An act to amend section twenty-one of an act entitled ‘an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts, returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,’ approved March 5, 1859, and prescribing when this act shall take effect.”

ORDERS OF THE DAY.

Pending the adjournment last evening was the motion of Mr. Stot-

senburg to amend the majority report of the select committee of thirteen on federal affairs.

Mr. McLean made the following additional minority report from the Committee of Thirteen :

MR. SPEAKER :

The undersigned, a member of the Committee of thirteen who submitted the minority report of said Committee to this House, desires to enter his dissent from so much of said minority report as reflects upon the Ministers of the Gospel. The undersigned would say that, although the allusions contained in the said report, reflecting upon the ministry, may be lamentably true to a certain extent, yet he must regard the said charges as entirely too general, wholesale, and sweeping in their character, in bad taste, foreign to the real object which should have been kept in view by the report, and not calculated to allay the bad feeling unfortunately existing among our people. The undersigned would say that the principal features and great body of the said minority report meet his cordial and hearty approbation, but he cannot indorse the offensive allegations above referred to. The undersigned regards it due to himself to state that the said minority report was presented to him for his signature, at his desk in the House, only a few minutes before the hour for which it was made the special order, not affording him either time or opportunity to examine the same.

The undersigned cannot concur in the said minority report, unless the said offensive charges are stricken from the same, and would recommend to the House that the same be stricken out.

WM. E. McLEAN.

On motion by Mr. Heffren,

The House adjourned.

2 O'CLOCK, P. M.

The House met.

The Speaker laid before the House the following communication from the Auditor of State :

H. J.—19.

OFFICE OF AUDITOR OF STATE, }
 Indianapolis, January 31, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR:—I have the honor to transmit herewith reply to House resolution in regard to Common School Fund, and request that you lay the same before that body.

In reply to the resolution of the House of Representatives, adopted on the 23d inst., inquiring of this officer "By what law the whole amount of the Common School fund was ordered to be paid into the State treasury, and by what law, (according to the report of the Superintendent of Public instruction, in his late report, on page six, which shows that) \$255,000 have been withheld from distribution to the common schools, as the Constitution and laws regulating our system of public instruction requires; and also by what law the said \$255,000 have been absorbed in defraying the ordinary expenses of the State Government," I have to state—

1st. That it has not been the rule to require the payment into the State Treasury of the whole amount of the common school fund, although the reports of the Superintendent and Auditor apparently show such payments to have been made. The practice which has obtained, and to which, under existing laws, appears necessary to the proper regulation of the balances, is to issue the Auditor's warrants in favor of the county treasurer for the distributive share of each county, which warrant is placed to the credit of the county treasurer in settlement.

Practically, therefore, the excess only has been paid into the State treasury, as required by law, in case the collections exceeded the distributive share due to the county; otherwise, there was no actual payment into the treasury. There have been some exceptions as matters of convenient arrangement between State and county officers, but I am informed by my predecessor that the general practice has been as above stated.

2d. The balance due to the common school fund from the State treasury, has been accumulating, contrary to law, for a series of years. It arises from the fact that the literal execution of the school law of 1858, is rendered impracticable by the failure of county officers to report the collections within the time prescribed by law; and hence, the Superintendent has been compelled to make either an estimated distribution, or none at all. Twice (in the years 1857 and 1860) the Superintendent attempted a strict execution of the law; but in both instances, after a delay, embarrassing alike to State and county officers, he was forced to abandon his design.

The system of estimated distribution once established, it may be supposed, taking into consideration the condition of the treasury for some years, that the officers of the treasury department, (to whom there are other interests of like importance to the school interests,) would object to the distribution of a larger amount than would be received from the counties.

The result of their caution in this regard, is seen in the increased balance due to the fund.

I have the honor to be

Your obedient servant,

A. LANGE, *Auditor of State.*

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House, to engrossed bill of the Senate, No. 97, "A bill to amend section twenty-one of 'an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such term, and declaring when this act shall take effect, and repealing all laws inconsistent therewith,' approved March 5, 1859, and declaring when this act shall take effect."

The Speaker announced the following Select Committee on Senate bill No. 74:

Messrs. Orr, Hays, Goar, Warrum, Horton and Lightner.

ORDERS OF THE DAY.

Pending the adjournment, was the consideration of the majority and minority reports of the Select Committee of Thirteen.

Mr. Underwood asked and obtained leave of absence until next week.

On motion by Mr. Veatch,

The House adjourned until to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
February 2, 1861.

The House met.

On motion by Mr. Roberts,
The reading of the journal was dispensed with.

Messrs. Thompson, Packard and Crain asked and obtained leave of absence until Wednesday next.

PETITIONS, MEMORIALS REMONSTRANCES, &c.

By Mr. Nebeker,

A petition from sundry citizens of Warren county, praying the repeal, *without a saving clause*, of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857. and the amendments thereto, approved March 5, 1859.

Which was read and referred to the committee on Judiciary.

By Mr. Collins, of Adams,

A petition asking the State to make an appropriation to pay William Vance for services rendered in arresting Freeman P. Carington a criminal.

Was referred to the Committee on Ways and Means.

By Mr. Jenkinson,

A petition from sundry citizens of Allen county, to preserve sheep from sheep-killing dogs, by the levy of a tax of fifty cents on each dog.

Was read and referred to the Committee on Agriculture.

By Mr. Wells,

A petition from citizens of Pike county, asking for a change in the law in relation to the election of county commissioners.

Was read and referred to the Committee on County and Township Business.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred the petition of Joshua Holland and other citizens of the State, praying that a law be enacted authorizing parties to contract for any rate of interest not exceeding ten per cent. a year, have had the same under consideration, and have directed me to report the accompanying bill, and recommend its passage:

House bill No. 173. A bill to amend the first section of "an act concerning interest on money."

Which was read a first time and passed to a second reading.

On motion by Mr. Stotsenburg,

The Order of Business was suspended to take up the regular order of the day, which was the consideration of the majority and minority reports of the select committee of thirteen on Federal affairs.

Mr. Bundy asked and obtained leave to introduce the following resolution:

WHEREAS, By the Constitution and laws of the State of Indiana, it is declared that every person who shall give or accept a challenge to fight a duel, shall forever thereafter "be ineligible to any office of trust and profit;" and whereas, the custom of dueling so prevalent in some of the Southern States of this Union is a relic of barbarism, at war with the teachings of Christianity and civilization, as well as abhorrent to our moral sense; therefore,

Resolved, That any member of this House who may give or accept a challenge to fight a duel, ought to be promptly expelled therefrom.

Which was adopted.

Mr. Edson asked and obtained leave to present to the House the following protest, which was ordered to be entered upon the journal of the House without reading:

The undersigned members of the House of Representatives of the State of Indiana, who voted "aye" upon the passage of House joint resolution No. —, providing for the appointment of Commissioners to meet the Commissioners of other States at Washington on the 4th of February, 1861, under certain restrictions, do hereby enter their

protest against the passage of said resolutions in the shape in which they were passed. They deem it unwise and improper to confer upon the Governor a power which rightly belongs to the Representatives of the people; that it was wrong and impolitic to declare in said resolutions that the General Assembly does not assent to the Virginia basis of settlement, believing as we do that even if the General Assembly would not recognize the innumerable petitions and requests of our constituents in favor of the substance of said basis of compromise, it would have been better to have given no instructions to said Commissioners. And we further protest against the unwise limitations in said resolutions as to the number of States to be represented in the Conference. For these reasons we protest against the passage of said resolutions in the manner and form in which they were offered and voted upon. It is scarcely necessary for us to say that we have been and are desirous and anxious that Commissioners should be appointed in response to the patriotic call of Virginia, and for that purpose we have all labored earnestly and zealously from the day the resolutions of Virginia were laid before the General Assembly.

[Signed:]

JOHN H. STOTSENBURG,
JOSEPH P. EDSON,
G. Y. ATKINSON,
JACOB MUTZ,
WM. E. McLEAN,
W. G. MOSS,
PHILEMON N. COLLINS,
OMAR F. ROBERTS,
M. JENKINSON,
CONRAD TRIER,
M. L. PACKARD,
A. M. BLACK,
A. F. FLEMING,
L. McCLURG,
THOMAS GIFFORD,
C. PROW,
JOHN STEPHENSON,
A. H. ROBBINS,
W. W. OWENS,
ELIAS COOPRIDER,
WILLIAM COMBS,
C. S. DOBBINS,
S. W. HOLCOMB.

C. B. Knowlton protests, not only for the reasons above given, but also for the reason that the Republicans voted down an amendment striking out that part refusing to accept the Virginia proposition.

We concur in the above protest made by Mr. C. B. Knowlton.

W. C. PITTS,
J. L. FORD,
NOBLE WARRUM.

The Speaker, at eleven o'clock A. M., declared the House adjourned till Monday next, 2 o'clock P. M.

MONDAY, 2 o'clock, P. M., }
February 4, 1861. }

The House met.

On motion by Mr. Nebeker,
The reading of the journal was dispensed with.

The Speaker laid before the House the following communication from the Warden of the State Prison:

WARDEN'S OFFICE, INDIANA STATE PRISON, }
Jeffersonville, Ind., Feb. 1, 1861. }

To the Speaker of the House of Representatives, Indianapolis, Indiana :

In obedience to the resolution passed by the House on the 26th ult., I have the honor to submit the following exhibit of the contractors and amount due from :

The contractors now in the prison are Messrs. Guy & Combs, John R. Cannon & Co., W. G. Damron, Adam Knapp, Smith & Smyser, Charles Hendley, Hiram Marshall and Ewing & Keigwin.

The amounts due from contractors, upon the 1st of Feb., 1861, are as follows :

No. 1. W. G. Damron: blacksmith and wagon shop.
Sureties: Christopher Young and Robert H. Gresham.
Amount due Feb. 1, 1861, \$2,202 25.
This claim I believe to be good.

No. 2. John R. Cannon & Co.: Chair shop.
Sureties: G. C. Cannon and Hiram O. Cannon.
Amount due \$6,099 23, not including interest. There is also due from Long, Babbett & Co., who with the consent of John R. Cannon & Co., are working under their contract, the sum of \$3,002 34. Of the first amount, \$6,099 23, judgments were rendered in the Floyd Circuit Court, Nov. 14, 1860, for \$3,443 02, upon which I am informed an appeal has been taken (probably for delay) to the Supreme Court.

Suits are now pending for the residue. It is impossible for me to say when this amount can be collected, as the "law's delay" will probably defer its payment for some time. I believe, however, the amount will eventually be made. The second amount, \$3,002 34, I believe will have to be made eventually of the sureties of Jno. R. Cannon & Co.

No. 3. Guy & Combs: chair shop.
Sureties: John Combs, sr., and Jas. Keigwin, jr.
Amount due, Feb. 1, 1861, \$515 25.
This amount will be paid.

No. 4. Smith & Smyser: cooper shop.
Surety: T. J. Howard.
Amount due, Feb. 1, 1861, \$1,406 60.
This amount will be paid.

No. 5. Charles Hendly: shoe shop.
Sureties: Daniel Seigler and J. E. McFarland.
Amount due, Feb. 1, 1861, \$977 63.
This amount I believe will be paid.

No. 6. Ewing & Keigwin: brick yard.
Surety: J. H. McCampbell.
Amount due, Feb. 1, 1861, \$21 85.
This amount will be paid.

No. 7. Baird & Co.: little chair shop.
Surety: D. C. Anthony.
Amount due, Feb. 1, 1861, \$1,104 36.

This account is worthless, as it can be collected neither from the contractors nor their sureties.

Their contract has been canceled for failure to pay for convict labor.

The most of the foregoing indebtedness accrued under an order of the Board of 1857, authorizing the Warden to take four months paper well secured and including interest for convict labor. The present board have rescinded this order, and contractors now are required to settle at the end of each month, or incur the risk of having their contracts forfeited.

I believe the foregoing statement is responsive to all inquiries of the resolution of the House passed January 26, 1861.

Respectfully submitted,

D. W. MILLER, *Warden*.

Which was read and referred to the Committee on the affairs of the State Prison.

The Speaker announced the following committee to make arrange-

ments for the reception of A. Lincoln, President elect of the United States:

Messrs. Gresham, Burgess, Bingham, Sherman, Jenkinson, Brett and McLean.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee to whom was referred a resolution of the House instructing them "to inquire into the expediency of so amending the laws punishing crimes and misdemeanors, as to extend the Statute of limitation to the term of five years," have had the same under consideration, and instruct me to report to this House that in the opinion of the said Committee further legislation upon the subject is inexpedient, and that the resolution be laid on the table.

Which was concurred in.

Mr. Bundy, from the same Committee, made the following further report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House No. 13, instructing them "to inquire into and report whether there is any law now in this State authorizing county agricultural societies to hold real estate," have had the same under consideration, and instruct me to report back to this House that such county agricultural societies have the power to hold real estate according to the provisions of an act passed February 7, 1855, and that in the opinion of said Committee further action upon the subject is inexpedient, and that the resolution be laid upon the table.

Which was concurred in.

Mr. Veatch, from the same Committee, made the following further report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred the petition of Geo. McCure and others, from Martin county, directed to the House

of Representatives of the State of Indiana, in relation "to the killing of stock by railroad companies," have had the same under consideration, and direct me to report that in the opinion of the said Committee the laws of the State give ample remedy to any one whose stock may be killed by any railroad. That the question presented by said petition in relation to fencing of railroads is one of expediency, and not a proper subject for the consideration of this Committee, and that on the point presented in said petition, that railroad companies shield themselves behind their insolvency, from paying for stock killed, the Committee would beg leave to say, that they cannot recommend any measure to this House which would make an insolvent corporation a solvent one.

They therefore return the said petition to this House and recommend that it be laid on the table.

Which was concurred in.

Mr. Veatch, from the same Committee, made the following further report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House No. 32, instructing them "to inquire into the expediency of so amending the law on the subject of the pardoning power so as to prevent the abuse thereof," have had the same under consideration, and instruct me to report back to this House that in the opinion of the said Committee further legislation upon the subject is inexpedient, and that the said resolution be laid upon the table.

Which was concurred in.

Mr. Veatch, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 33, entitled "a bill to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, or pursuant to the provisions of mortgages or deeds of trust, or by the joint exercise of those authorities, and to enable them to organize corporations and to exercise corporate and other powers," have had the same under consideration, and instruct me to report the same back to this House with the following amendments, and when so amended the said Committee recommend its passage:

Amend by adding at the end of section one to-wit:

"Provided that no sale under the provisions of this act shall be

valid unless notice thereof, stating time and place of sale, shall have been published in some newspaper of general circulation, in the city of New York, and also by publishing said notice in at least one newspaper of general circulation published in each county in this State through which said railroad may run, for sixty days immediately preceding said sale.

Amend section four as follows:

Strike out the words "that so much of the said section as conflicts with the foregoing provisions is hereby repealed;" and insert the following: "that the provisions of the above section shall not apply to any proceeding under the provisions of this act."

Amend by adding at the end of section five the following:

SEC. 6. That none of the provisions of this act shall take effect and be in force without every purchaser or purchasers of any railroad shall first assume and pay in money or first class, or satisfactory securities, to be issued by the new corporations formed upon the sale or transfer of any railroad as hereinbefore provided for, as the creditor or creditors may elect, all ticket balances and back charges for freight with interest, whether due upon an account, judgment of a court of record, bond, note, or other instrument in writing, which the former railroad corporation may have owed or been in arrears for, to any connecting railroad company operating a railroad entirely or in part in this State.

The report was concurred in and the amendments adopted.

Mr. McLean moved that 200 copies of the bill be printed.
Which was agreed to.

Mr. Veatch, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a petition of John Wheeler and others, from Crown Point, directed to the Hon. David Turner, in relation to the enactment of a law to punish the stealing of timber, have had the same under consideration, and instruct me to report, that the said committee have already reported a bill to this House to punish the offences mentioned in said petition, and they deem any further action upon the subject at this time inexpedient, and recommend that said petition be laid upon the table.

Which was concurred in.

Mr. Cason, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, instructing him to inquire into the expediency of so amending an act, supplemental to an act, entitled "an act to exempt property from sale in certain cases, approved February 17, 1852," approved March 5, 1859, to amend section first so as to read, "That before any person shall be entitled to the benefit of the provisions of the above recited act, he shall make out and deliver to the sheriff, or other officer having the writ, an inventory of all of his or her real or personal property, money on hand or on deposit, rights, credits, choses in action, belonging to him at the date of the issuing of the writ," have had the same under consideration, and instruct me to report back to this House, that, in the opinion of said committee, further legislation upon this subject is inexpedient, and that the resolution be laid on the table.

Which was concurred in, and the resolution laid on the table.

Mr. Bingham, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred the resolution of the House, No. 19, instructing them "to inquire into the expediency of so amending the law concerning justices of the peace, to make out every three months a complete list of fees collected, to whom due, and the amounts thereof respectively," have had the same under consideration, and instruct me to report to this House that, in the opinion of said committee, further legislation upon the subject is inexpedient, and that the resolution be laid on the table.

Which was laid on the table.

Mr. Edson, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, No. 18, instructing them "to inquire into the expediency of so amending the law regulating fees of officers, as to allow justices of the peace to receive one dollar for the trial of every cause in controversy submitted to them," have had the same under consideration, and instruct me to report to this House that, in the opinion of said committee, further legislation upon the subject is inexpedient, and that the resolution be laid on the table.

Mr. Cason, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, No. 6, instructing them "to inquire into the expediency of so amending the law, where suit has been brought, judgment obtained, and execution issued, that none other than the proper officer shall be allowed to receive the amount of said debt, without first collecting the amount allowed said officer as his commission, as provided by law," have had the same under consideration, and instruct me to report back to this House that, in the opinion of the said committee, further legislation upon the subject is inexpedient, and that the said resolution be laid upon the table.

Which was concurred in.

Mr. Bingham, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 22, a bill to repeal an act, entitled an act to establish Courts of Conciliation, have had the same under consideration, and have directed me to return said bill, recommending the passage thereof.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Bingham, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the organization of Courts, to whom was referred House bill No. 58, which bill is to repeal an act, entitled "an act to amend section 42 of an act, to establish Courts of Common Pleas, and defining their jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, have had the same under consideration, and have directed me to report against the repeal of said section, and recommend that said bill be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Bingham, Chairman of the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred resolution No. 15, directing them to inquire into the expediency of reporting a bill making it the duty of justices of the peace to hear evidence and try cases in civil suits in the absence of the plaintiff, have had the same under consideration, and direct me to report that it would be inexpedient to report such bill, and recommend that said resolution be laid on the table.

Which was concurred in, and the resolution laid upon the table.

Mr. McClurg, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 60, entitled "an act providing for the deposit of bonds and freehold securities by the several railroad companies of this State, and declaring the conditions of such bonds and freehold securities, the penalties for the violation of the provisions of this act, and giving to owners of stock killed by such railroads a lien upon such bonds and freehold securities, and recourse for damages, have had the same under consideration, and direct me to report it back to the House with the following amendments, and recommend its passage: Strike out the word "Knox," in the third line of the title, and insert the word "Marion;" strike out the words "Ohio and Mississippi," in the 14th and 15th lines of section one, and insert the word "all;" and strike out the word "Knox," in the 19th line of section one, and insert the word "Marion."

Which was laid on the table.

The Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined engrossed bills Nos. 9, 36, 41, 42, 44, 46, 52, 69, and 81, and have compared them with the originals, and find them correctly engrossed.

Mr. Collins, from the select committee, under a resolution of the House on embankments on highways, made the following report:

MR. SPEAKER:

The Committee to whom was referred a resolution of inquiry in

regard to the powers and duties of county commissioners and township trustees in making donations for the erection of embankments at the crossing of streams on public highways, ask permission to make the following report:

The Committee having had the matter under consideration, have instructed me to report that county commissioners have a discretionary power by express enactment, and that township trustees have no discretionary power in regard to any fund, except the land tax fund, which of right ought to be expended in the road district in which the same originated.

Sec. 1st, vol. Revised Statutes 1852, page 101; also acts of 1859, chapter 133

We therefore respectfully ask that this report be concurred in and the Committee discharged.

Which was concurred in.

BILLS INTRODUCED.

By Mr. Davis,

House bill No. 164. A bill to authorize the Auditor of State to loan the fund derived from estates without heirs.

Which was read a first time, and passed to a second reading.

By Mr. Black,

House bill No. 165. A bill to amend section three of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repeal all laws inconsistent therewith," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Polk,

House bill No. 166. A bill in relation to dogs, and all matters connected therewith.

Which was read a first time, and passed to a second reading.

By Mr. Roberts,

House bill No. 167. A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey prop-

erty, or to perform any stipulation therein mentioned, and repealing all laws in conflict therewith.

Which was read a first time and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill No. 168. A bill authorizing suits for alimony, or the disposition of property in certain cases.

Which was read a first time and passed to a second reading.

By. Mr. Veatch,

House bill No. 169. A bill to provide for changing the venue in civil actions, and for the appointment of another to preside when the Judge of the Court in which the action is pending is incompetent, and to repeal all other laws on the same subject.

Which was read a first time and passed to a second reading.

By Mr. Veatch,

House bill No. 170. A bill to authorize the boards of commissioners, of the several counties of this State, to procure and preserve the history of the said counties and to pay the expenses thereof.

Which was read a first time, and passed to a second reading.

By Mr. Williams,

House bill No. 171. A bill to amend the fifteenth section of an act, entitled "an act concerning promisory notes and bills of exchange," approved May 12, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Kendrick,

House bill No. 172. A bill to amend the first and second sections of an act, entitled "an act prescribing the number, and defining the powers and duties of constables," approved May 27, 1852.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication, from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }
Indianapolis, February 4, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR:—In reply to the House resolution of the 17th ultimo, I have the honor to state that there has been audited and paid to the Attorney General, upon the order of the Supreme Court or otherwise, since the first day of January 1859, on account of services rendered by him in attending to State cases in the Supreme Court, the following sums to-wit:

August 13, 1859.....	\$60 00
November 14, 1859.....	110 00
December 9, 1859.....	170 00
June 1, 1860.....	230 00
November 15, 1860.....	180 00
December 18, 1860.....	210 00
Total,.....	<hr/> \$960 00

Respectfully submitted,

ALBERT LANGE, *Auditor of State.*

Which was read and referred to the Committee on Ways and Means.

Mr. Orr, by consent of the House, offered the following resolution:

Resolved, That the Committee on Education inquire into the expediency of so amending the school law, that the tax collected in each county for school purposes shall be retained in each county, and distributed to each and every township, agreeable to the numeration of children in each township.

On motion by Mr. Bundy,

Resolved, That the Assistant Clerk of the House be, and he is hereby directed to deliver the Journals of the House to the State Printer; and that said printer proceed to print the same at as early a day as practicable, in order to secure as early a publication of the Journals as possible.

ORDERS OF THE DAY.

Pending the adjournment on Saturday last, was the consideration of the majority and minority reports of the Select Committee of Thirteen.

H. J.—20.

By unanimous consent,

Mr. Roberts offered the following:

Resolved, That it shall be the duty of the Chairmen of the several Committees of the House, to give notice to the authors of all bills of the time when their bills will be considered by the said Committees.

Which was agreed to.

Mr. Stotsenburg asked and obtained leave of absence.

On motion by Mr. McClung,

The House adjourned until to-morrow morning at 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 5, 1861.

The House met.

On motion by Mr. Haworth,
The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Stotsenburg,

A petition from citizens of Clarksville, Clark county, in reference to the fund referred to in the sixteenth section of the schedule attached to the Constitution.

Which was referred to the Committee on Education.

Mr. Anderson, Chairman of the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on engrossed bills, have compared engrossed House bills Nos. 3, 13, 51, 63, 76, 71, 152, and 119 with the originals and find them correctly engrossed.

Mr. Hayes obtained leave and offered the following resolution :

Resolved, That the Judiciary Committee be instructed to inquire into the constitutionality of a law apportioning the State for Senatorial and Representative purposes, in the absence of an enumeration having been made as provided for in the fourth section of the fourth article of the Constitution of the State, and that they report at as early a day as possible.

Which was agreed to.

On motion by Mr. Davis,

The order of business was suspended and bills taken up on the second reading.

HOUSE BILLS ON SECOND READING.

No. 87. A bill exempting all parsonages from taxation and repealing all laws in conflict with this act.

Was read a second time and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 88. A bill to repeal section 13 of an act providing for the election and qualification of justices of the peace and defining their jurisdiction, powers and duties in civil cases.

Was read a second time, and,

On motion,

Was referred to the Committee on the Judiciary.

No. 89. A bill to amend the ninth section of an act entitled an act to authorize and regulate the business of general banking in the State of Indiana, so as to make a copy of the certificate of the Auditor of the State, a sufficient cause of action, and the certificate itself prima facie evidence, in suits against banking associations and the stock holders thereof, or either or any of them in certain cases therein named.

Was read a second time, and referred to the Committee on Banks.

Mr. Stotsenburg moved that House bill No. 152 be taken up and read a third time.

Which was agreed to.

House bill No. 152. A bill to amend section nineteen of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms there-

of, and making all process from the present Common Pleas Courts returnable to such terms, &c.," approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Burgess, Cameron, Combs, Campbell, Cason, Collins of Adams, Coopriders, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean Moody, Moorman, Moss, Nebeker, Orr, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Veatch, Warrum, Wells, Williams, Woodhull, Woodruff, Woods and Mr. Speaker—73.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Nebeker moved to resume the regular order of business.

On motion by Mr. Heffren,
The motion was laid on the table.

No. 90. A bill to provide for a registry of voters, to prevent corruption at elections, and to define what is the residence of voters.

Was read a second time and referred to the Committee on Elections.

No. 92. A bill prescribing the duties of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitures, and unclaimed fees, and repealing all laws in conflict therewith.

Was read a second time and referred to the Committee on Judiciary.

No. 93. An act to apportion Senators and Representatives for the next six years.

Was read a second time and referred to the select committee of eleven of the House on apportionment.

No. 94. A bill touching the salary of Common Pleas Judges, and apportioning the payment of the same among the various counties of the State.

Was read a second time and ordered to be engrossed.

No. 95. A bill for the protection of the people against incompetency of pretended physicians and surgeons, by establishing a board of medical examiners, prescribing the duties of such board, and fixing their compensation, and also prescribing who may practice medicine and surgery within this State, and fixing a penalty for the violation of this act.

Was read a second time.

Mr. Roberts offered the following amendment:

Amend so that it shall read that "the Governor shall appoint three examiners in each Congressional district."

Mr. Stotsenburg offered the following further amendment:

Amend by striking out the words "circuit prosecutors," and so amend the part providing for a penalty as to specifically define the misdemeanor to be punished.

Mr. Woodruff moved to lay the bill and amendments on the table.

Which was not agreed to.

The bill, with amendments, was

On motion,

Referred to the Committee on Rights and Privileges.

No. 96. A bill to repeal sections two, three, four and five, and supplemental thereto, of an act entitled "an act to provide for locating and working highways located on county lines."

Was read a second time, and,

On motion,

Was referred to the Committee on Roads.

No. 97. A bill to amend the sixth and seventh sections of an act entitled "an act regulating the granting of divorces, nullification of marriages and decrees, and orders of Courts incident thereto," approved March 13, 1852, and to repeal all laws conflicting with this act.

Was read a second time and referred to the Committee on Rights and Privileges.

No. 98. A bill to amend section three of an act entitled "an act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, and supplemental to said act."

Was read a second time, and referred to the Committee on the Judiciary.

No. 99. A bill to amend an act providing for the safe keeping of the public money.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 100. A bill authorizing township trustees to assign certificates of purchase of saline lands which were purchased with district school funds, by the inhabitants of school districts in Congressional Townships for school house sites.

Was read a second time, and,

On motion,

Referred to the Committee on County and Township Business.

No. 101. A bill to repeal the second section of an act, entitled "an act to amend the first section of an act providing for extending the term of Circuit Courts by adjournment, when the pending business shall be unfinished, approved February 12, 1855, to authorize the Court or Judge, to call and hold special terms, and to fix the compensation of the Judge for holding such adjourned and special term, and of prosecuting attorneys, while in attendance upon the same," approved December 24, 1858.

Was read a second time and referred to the Committee on Organization of Courts of Justice.

No. 102. A bill to amend the third and fourth sections of an act, entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a second time, when

Mr. Woods moved to amend by striking out the word "August," and inserting the word "September," in the section relating to prairie hens.

On motion by Mr. Moody,

The amendment was laid upon the table.

The bill was,

On motion,

Ordered to be engrossed.

No. 103. A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal section 7 of an act, approved March 5, 1855, entitled "an act to provide for the erection and repair of bridges," and to repeal an act, entitled "an act to provide for the erection and repair of bridges," approved May 12, 1852.

Was read a second time, and

On motion,

Was referred to the Committee on Roads.

Mr Gresham moved that the rule be suspended, and House bill No. 105 read a second time by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiel, Davis, Edson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Harvey, Haworth, Hays, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, Moody, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Turner, Veatch, Warrum, Wells, Williams, Woodhull, Woodruff, ruff, Woods and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Ferguson, Stevenson, and Stotsenburg—3.

So the rule was suspended.

No. 105. A bill for the organization of the Indiana militia, prescribing duties of certain officers, providing for a military fund and its disbursement, for punishing failures, refusals and negligence, in connection with the service, and for the repeal of all existing laws having reference to said militia.

Was read a second time.

Mr. Roberts offered the following amendments :

In line four, section two, strike out all in said section after the word "duty."

In line five, section eight, strike out the words "the State," and insert "common schools."

Strike out sections eleven and twelve.

Of the seventh paragraph, in section fourteen, strike out all after the word "belongs," in line 39.

In section fourteen, strike out paragraphs sixteen and seventeen.

Strike out sections twenty, twenty-one and twenty-two.

In section thirty, strike out all after the word "organization," in line three.

Strike out sections 37, 38, 39, 40, 41, 42, 46, 54, 56, 78, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 121, 126, 134, 136 and 138.

On motion,

The bill and pending amendments were referred to the Committee on Military Affairs.

Mr. Heffren moved to suspend the rule, and read House bill No. 146 a second time by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridier, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Heffren, Henrieks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, Moody, Moorman, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Veatch, Warrum, Wells, Williams, Woodhull, Woodruff, Woods and Mr. Speaker—75.

No one voting in the negative.

So the rule was suspended.

No. 146. A bill amendatory of, and supplemental to, an act, entitled "an act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14, 1852, and repealing sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, of said act, and providing for a more perfect organization of the Indiana militia, for a military fund and its disbursement, for punishing failures and negligence of duty in the service, and for matters properly connected therewith.

Was then read a second time by its title, and referred to the Committee on Military Affairs.

No. 106. A bill to amend the thirteenth section of an act, entitled "an act defining misdemeanors and prescribing the punishment therefor."

Was read a second time, and,

On motion,

Was ordered to be engrossed.

No. 107. A bill to amend an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms of action in civil cases, in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852," and to provide a mode of taking down evidence in certain cases.

Was read a second time, and ordered to be engrossed.

Mr. Heffren moved to suspend the rule, and read House bill No. 108 a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gore, Gresham, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Veatch, Warrum, Wells, Williams, Woodhull, Woodruff, Woods and Mr. Speaker—75.

Mr. Stotsenburg voting in the negative.

So the rules were suspended and House bill 108 was read a second time by its title.

On motion by Mr. Packard,

The bill was laid on the table and two hundred copies ordered to be printed.

A bill to regulate the business of foreign insurance companies, corporation associates or individual underwriters of other nations and States or the agent or agents thereof in the State of Indiana.

No 109. A bill to regulate the business of insurance companies, companies doing business under charters granted by the State of Indiana prior to the 17th day of June, 1852.

Was read a second time.

Mr. Packard moved that the bill be laid on the table and two hundred copies printed for use of the House.

Which was not agreed to.

On motion,

The bill was referred to the Committee on the Judiciary.

No. 110. A bill to amend section fourth of an act in relation to special elections, approved May 13th, 1852.

Was read a second time and referred to the committee on elections.

No. 111. A bill to amend the sixth section of an act entitled "an act to amend an act to authorize and regulate the business of general banking," which passed both Houses of the General Assembly of the State of Indiana, March 3rd, 1855, the objection of the Governor to the contrary notwithstanding.

Was read a second time.

Mr. Edson offered the following amendment:

Amend by inserting at the proper place: Provided that no stocks or bonds shall be deposited with the Treasurer of State except Indiana State Stocks, and United States stocks.

On motion,

The bill, with pending amendments, was referred to the Committee on Banks.

No. 112. A bill to provide for the examination and adjustment of the claim of Moorhead, Hall & Co., against the State of Indiana, and for the payment of the balance, if any, that may be due on said claim.

On motion by Mr. Cason,

The bill was indefinitely postponed.

No. 113. A bill to amend the second section of an act entitled "an act to provide for the election, and prescribing certain duties of Recorder, approved May 31, 1852.

Was read a second time and referred to the Committee on the Judiciary.

Mr. Cameron moved to suspend the rule and take up the following resolution that was laid over under the rule:

Resolved, That the rule of the House be so amended as that the House meet at 9 o'clock, and adjourn over at 1 o'clock for the day, except on Saturday, when the House shall adjourn at 11 o'clock, and except on Monday, when the House shall meet at 2 o'clock.

Mr. Collins of Adams, offered the following:

Amend by limiting the change to the 20th of February, inst.

Mr. Prosser offered to amend the amendment, as follows:

Strike out 20th, and insert the 12th inst., in lieu thereof.
Which was not agreed to.

The question recurring on the amendment offered by Mr. Collins of Adams,
It was not agreed to.

Mr. Edson moved to amend as follows:

Amend by inserting at proper place "meet at 8 o'clock A. M.," instead of 9 o'clock A. M.

Mr. Robbins offered to amend the amendment as follows:

Provided that the amendment rule shall not take effect until after the discussion on Federal relations is closed.

Mr. Stotsenburg moved to lay the resolution on the table.

Mr. Heffren demanded a division of the question.
Which was ordered.

The question being on laying the amendments on the table,
It was agreed to.

The question recurring on laying the resolution on the table,
It was not agreed to.

Mr. Davis offered the following amendment:

Strike out "one o'clock," and insert "twelve o'clock."

Mr. Frasier demanded the previous question,
Which was seconded.

The question being, shall the main question be now put,
Which was ordered.

The question being on the adoption of the amendment offered by
Mr. Davis,
It was not agreed to.

The question then being on the original resolution,

Messrs. Ford and Smith of Bartholomew, called for the ayes and
noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brett, Burgess, Cameron, Campbell, Cason, Dashiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Heffren, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Lods, Lane, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Ragan, Randall, Sherman, Sloan, Smith of Miami, Trier, Thomas, Turner, Veatch, Wells, Williams, Woodhull, Woodruff, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Atkinson, Black, Collins of Adams, Combs, Coopridger, Davis, Edson, Fleming, Ford, Hayes, Howard, Kitchen, McClurg, Moss, Prow, Robbins, Smith of Bartholomew, Stevenson, Stotsenburg Warrum—20.

So the resolution was adopted.

On motion by Mr. Heffren,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Messrs. Black and Lee obtained leave of absence.

By unanimous consent,

Mr. Roberts presented a petition from sundry citizens praying that a law be passed for the protection of sheep.

Which was referred to the Committee on Agriculture.

ORDERS OF THE DAY.

House Bill No. 1. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Which was made the special order of the day at two o'clock, was taken up.

On motion by Mr. Heffren,
The bill was considered, engrossed and read a third time.

Mr. Heffren, by unanimous consent, moved to amend the bill as follows:

Strike out all after the word "approved," in section eleven, and insert "publication in daily State Sentinel and Daily State Journal."

Which was agreed to.

The question being, shall the bill pass.

Those who voted in the affirmative were,

Messrs. Atkinson, Boydston, Branham, Brett, Burgess, Cameron, Campbell, Cason, Collins of Adams, Coopridner, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kitchen, Lods, Lane, Lightner, McLean, McClurg, Moody, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bar-

tholomew, Smith of Miami, Stevenson, Stotsenburg, Trier Thomas, Turner, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Combs and Edson—2.

Mr. Knowlton was present, but refused to vote.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 114. A bill to amend the first section of an act entitled “an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes,” approved May 20, 1852, so as to provide for the incorporation of companies, to furnish motive power to carry on such business or to supply any city or village with water.

Was read a second time and referred to the Committee on Judiciary.

No. 115. A bill to amend an act, entitled “an act supplemental to an act, entitled an act to exempt property from sale in certain cases, approved February 17, 1852,” approved March 5, 1859.

Was read a second time, and referred to the Committee on the Judiciary.

No. 116. A bill to require the manufacturers and vendors of copyright medicines or prescriptions, commonly known as patent medicines, to label packages, boxes or bottles, in which said medicines or prescriptions are contained, with the name and quantity of the various kind or kinds of medicines, articles or ingredients composing said composition of medicines.

Was read a second time, and,

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 117. A bill appropriating money to the State Board of Agriculture.

Was read a second time, and referred to the Committee on Agriculture.

No. 118. A bill to authorize Judges of Circuit and Common Pleas Courts to make certain orders on vacation.

Was read a second time.

Mr. Stotsenburg moved to amend as follows:

Amend by inserting the following after the word injunction, "modify and dissolve the same upon reasonable notice."

After the word Courts, insert "and he shall have power to appoint receivers in vacation, according to the usual rules and terms of Courts in such cases."

On motion,

The bill, with pending amendments, was referred to the Committee on the Organization of Courts of Justice.

No. 91. A bill to amend an act approved January 27, 1847, entitled "an act to amend an act, entitled an act to incorporate the Eel River Seminary Society," approved January 1, 1859, and for other purposes; to amend the second section of said act; to repeal the third, fifth and eighth sections; to clothe said Society with additional powers; to provide for the increase of stockholders, the election of five Trustees as sole managers of the affairs of said Society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of Commissioners of Cass county in releasing to stockholders of said Society, all the interest of said county in the Society's property and revenues, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation.

Mr. Knowlton moved to suspend the rule, and read the bill a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brett, Cameron, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Fer-
guson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar,
Hall, Harvey, Haworth, Hayes, Hefiren, Henricks, Hopkins, Howard,
Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick,
Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean,
Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett,
Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sher-

man, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, and Mr. Speaker—79.

No one voting in the negative.

So the rule was suspended, and the bill read a second time by its title, and,

On motion,

Referred to the Committee on Corporations.

No. 121. A bill supplemental to an act concerning county prisons, approved May 27th, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor.

Was read a second time, and on motion, referred to Committee on County and Township Business.

No. 122. A bill to organize a Judicial district composed of the counties of Vermillion, Parke and Putnam; providing for the appointment and election of a Judge and District Attorney therefor; fixing the time of commencement and the duration of the terms thereof; making all its subpoenas, venires, rules and orders of court, reports, recognizances, publications, and process whatever, returnable thereto, and declaring when and how the same shall take effect.

Was read a second time, and,

On motion,

Referred to a select committee of three.

No. 123. A bill to authorize the owners of a town to vacate the lots, streets, alleys and squares therein.

Was read a second time, and on motion, referred to the Committee on County and Township Business.

No. 124. A bill to cure certain defects, where persons have acted as deputies under the clerks of the Circuit Courts, by and with their consent, in this State.

Was read a second time and referred to the Committee on the Judiciary.

No. 125. A bill for the prevention and punishment of frauds in elections.

Was read a second time.

Mr. Parrett offered the following amendment:

An act to punish illegal voters.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana:* That any person under the age of twenty-one years, or who has not been a citizen of the State of Indiana during the six

months immediately preceding, or being of foreign birth, who shall not have resided in the United States one year, and six months immediately preceding, within the State of Indiana, and declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, or who shall not, in good faith, reside in the township, precinct or ward, in which the election may be held, who shall, at any general or special election, for State, county or municipal officers, offer to vote, shall be deemed guilty of a felony, and on conviction thereof shall be fined in any sum not more than fifty dollars, to which may be added imprisonment in the penitentiary not less than six months nor more than two years.

SEC. 2. That any person who shall attempt to induce any person not legally qualified, to vote contrary to the provisions of the laws and Constitution of Indiana, or who shall try to induce any person to move temporarily from one township, precinct or ward to another, for the purpose of voting therein, or who shall harbor or employ such a transient person, knowing him to be such, shall be guilty of a felony, and shall, upon conviction thereof, be fined in any sum not more than fifty dollars; to which may be added imprisonment in the penitentiary not less than six months nor more than two years.

SEC. 3. The word "reside" in the first section of this act shall be construed to apply, in the case of a married man, to the place of residence of his family, and in a single man, to the township, precinct or ward in which he regularly sleeps.

On motion,

The bill and pending amendment was referred to the Committee on Elections.

No. 126. A bill to amend the eighteenth, twenty-fifth and twenty-sixth of an act entitled "an act regulating decedents' estates, and the apportionment of estates," approved May 14, 1852.

Was read a second time, and

Mr. Frasier offered the following amendment:

Strike out all that part which prohibits the alienation during the coverture."

The bill and pending amendments was referred to the Committee on the Judiciary.

No. 127. A bill to give the custody and control of the records and papers of the former Probate Courts of the different counties of this State to the Clerks of the Court of Common Pleas to make and certify transcripts of the same.

H. J.—21.

Was read a second time and referred to the Committee on the Organization of Courts.

No. 128. A bill to amend sections three and five of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Was read a second time, and,

On motion,

Referred to Committee on Temperance.

No. 129. An act to amend section one hundred and seventy-eight of the act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852. was read a second time and referred to the Committee on Judiciary.

No. 130. A bill to require certain pleadings in cases where corporations are parties to be sworn to.

Was read a second time and referred to the Committee on the Judiciary.

No. 131. A bill to release the trustees of the Wabash and Erie Canal from their obligation to maintain part of said Canal lying within the city of Evansville, in Vanderburg county, and to enable the city of Evansville to fill up the same and dispense with bridges across it,

Was read the second time, and on motion, referred to the Committee on the Judiciary.

No. 132. An act to amend the twenty-third section of an act entitled "an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Was read a second time and referred to the Committee on Ways and Means.

No. 133. A bill in relation to witnesses, and to amend section 238, of article thirteen of the act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of plead-

ing and practice, without distinction between law and equity," approved June 18th, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 134. A bill to amend the 476th section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852,

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 135. A bill to amend section six of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852, so as to exempt from taxation the personal property of widows, when the same does not exceed three hundred dollars in value.

Was read a second time and referred to the Committee on Rights and Privileges of the Inhabitants of the State.

No. 136. A bill to protect fish and fisheries, and providing penalties for the violation of this act.

Was read a second time.

Mr. Davis offered the following amendment:

Insert at the proper place, "hook and line, or any way whatever."

Which was laid on the table, and the bill ordered to be engrossed.

No. 137. A bill to amend sections 94 and 95 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21st, 1852,

Was read the second time and referred to the Committee on County and Township Business.

Mr. Edson moved to suspend the order of business, and take up House bills on third reading.

Which was not agreed to.

No. 138. A bill to repeal an act, entitled "an act to amend an act, entitled an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1859," declaring what laws are in force, and providing for the election of city officers.

Was read a second time, and referred to the Committee on County and Township Business.

No. 139. A bill to enlarge the capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

Was read a second time, and referred to the Committee on the Judiciary.

No. 140. A bill to authorize the President of the Board of Sinking Fund Commissioners to make deeds and satisfy mortgages, in cases therein named.

Was read a second time, and referred to the Committee on the Judiciary.

No. 141. A bill to amend the sixth and twentieth sections of an act, entitled "an act providing for the election of supervisors of highways, and prescribing certain of their duties," approved March 5, 1859.

Was read a second time, when

Mr. Combs offered the following amendments.

Amend by striking out "fifteen," where it occurs in the bill, and inserting "ten."

Amend by striking out all relating to taxing land by the acre.

The bill and pending amendments were referred to the Committee on roads.

No. 142. A bill to amend section fifty-one of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Was read a second time, and,

On motion,

Was ordered to be engrossed.

No. 143. A bill to amend the ninth section of an act regulating the fees of officers, and repealing former acts in relation thereto.

Was read a second time, and referred to the Committee on the Judiciary.

No. 144. A bill to amend section ninety-four of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Was read a second time, and referred to the Committee on County and Township Business.

On motion by Mr. Branham,

The House adjourned until to-morrow morning, at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
February 6, 1861.

The House met.

On motion by Mr. Heffren,

The reading of the journal was dispensed with.

The Speaker laid before the House the following report:

MR. SPEAKER:

In obedience to a resolution of the House, passed the 25th inst., instructing the clerk of the stationery room to report whether or not each member of the House has received three dollars worth of postage

stamps, as heretofore ordered by this House, would report that he has furnished each member with \$3.00 worth of post office stamps, as heretofore ordered.

Respectfully,

JAS. A. BELL, *Clerk of Stationery Room.*

January 26, 1861.

By unanimous consent,

Mr. Cameron offered the following resolution:

Resolved, That a joint Committee of Eleven, seven on the part of the House and four on the part of the Senate, be raised to report a bill to both Houses, apportioning the State into proper Senatorial and Representative Districts; and that the president of the Senate and Speaker of the House be requested to consult together before appointing said committee, so as to have each Congressional District represented on said committee.

Which was read and adopted.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Woods,

A memorial from sundry citizens in Lake county, in the vicinity of Calumet river, in reference to the "Calumet Feeder Dam."

Was referred to the Committee on the Judiciary.

By Mr. Woodhull,

A petition from sundry citizens of Stuben county, praying that the present county treasury system be abolished.

Was read and referred to the Committee on County and Township Business.

By Mr. Cameron,

A petition from citizens of Porter county, asking for the repeal of an act to authorize the formation of new counties.

On motion,

The petition was referred to the Committee on the Judiciary.

By Mr. Crain,

A remonstrance from citizens of Parke county, against forming a Common Pleas District of the counties of Parke and Vermillion.

On motion,

The remonstrance was referred to a select committee heretofore appointed.

By Mr. Crain,

A petition from sundry citizens of Parke county, praying the formation of a Common Pleas District composed of the counties of Vermillion, Putnam and Parke.

Was read and referred to a select committee heretofore raised.

By Mr. Henricks.

A petition from the citizens of St. Joseph county, praying that the surrogate system be adopted, in place of the present mode of doing probate business.

On motion,

The petition was referred to the Committee on County and Township business.

By Mr. Kendrick,

A memorial from T. A. Goodwin, of the "*American*," proposing to do the printing and binding for the State at 25 per cent. on the prices now allowed by law.

Which was read, and,

On motion,

Referred to the Select Committee on Printing.

REPORTS FROM STANDING COMMITTEES.

Mr. Woodhull, from the Committee on the Judiciary made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of the House, No. 10, instructing them "to inquire into the expediency of repealing all laws requiring the appraisement of personal property when sold on execution, and requiring the same to sell at two thirds its appraised value," have had the same under consideration, and instruct me to report that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the said resolution be laid upon the table.

Which was concurred in.

Mr. Jones, of Tippecanoe, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. eighty-six (86,) a bill to amend section 8 and 10 of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases, approved June 9th, 1852, have had said bill under consideration, and have directed me to report to this House, that in the opinion of said Committee, said amendments proposed in said bill are not expedient or necessary ; your Committee therefore recommend that said bill No. 86, be indefinitely postponed ; and also the amendments proposed to said bill, by Mr. Combs.

Mr. Cameron moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was agreed to.

The question being on concurring in the report of the Committee,
Messrs Orr and Atkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Branham, Burgess, Cason, Crain, Edson, Erwin, Fraley, Frasier, Gresham, Heffren, Howard, Jones of Tippecanoe, Knowlton, McClurg, Packard, Prosser, Smith of Miami, Thomas, Veatch, Williams, Woodhull, Woods, and Mr. Speaker—24.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Boydston Brett, Cameron, Campbell, Collins of Adams, Combs, Coopridier, Dashiell, Davis, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Henrieks, Holcomb, Hopkins, Hudson, Hurd, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thompson, Turner, Underwood, Warrum, Wells, Wilson and Woodruff—63.

So the report was not concurred in.

Mr. Davis moved to amend the bill by "striking out three hundred dollars and inserting two hundred dollars; also strike out five hundred dollars and insert three hundred dollars."

Mr. Frasier moved to amend as follows:

Amend so as to give justices final jurisdiction in bastardy cases.

Mr. Robbins moved to amend by striking out three hundred and inserting four.

Mr. Cameron moved to lay all pending amendments on the table.

Messrs. Atkinson and Edson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Cameron, Campbell, Cason, Combs, Epperson, Ferguson, Fleming, Frasier, Gifford, Hall, Haworth, Holcomb, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Moss, Mutz, Newman, Randall, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Turner, Warrum, Wilson and Woodruff—35.

Those who voted in the negative were,

Messrs. Boydston, Brett, Bundy, Collins of Adams, Coopridger, Crain, Dashiell, Davis, Edson, Erwin, Feagler, Fisher, Fordyce, Goar, Harvey, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Lane, Lightner, McClurg, McLean, Moorman, Nebeker, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Roberts, Sloan, Stotsenburg, Trier, Thompson, Underwood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—48.

So the amendments were not laid on the table.

Mr. Heffren offered the following instructions:

Recommit bill and pending amendments to same Committee with instructions to inquire into the expediency of making justices' and constables' bonds three thousand dollars each.

Mr. Holcomb moved to amend the motion by referring the bill and pending amendments to the Committee on County and Township Business.

Mr. Heffren moved to lay the motion on the table.
Which was agreed to.

The question recurring on the motion of Mr. Heffren.
It was not agreed to.

Mr. Polk offered the following instructions :

Amend by reducing the number to one justice of the peace for each civil township, and one for each fifteen hundred inhabitants.

Mr. Gresham offered the following instructions :

Amend by conferring on justices of the peace concurrent jurisdiction with Circuit and Common Pleas Courts in all cases civil and criminal, and from their judgments there shall be no appeal.

Mr. Ragan offered the following instructions :

Amend by inserting after justices of the peace, Mayors of towns and cities.

Mr. Holcomb offered the following instructions :

Amend so as to authorize justices to fine and imprison attorneys practicing before them, for contempt of court.

Mr. Gresham moved that the bill and pending amendments be referred to the Committee on Rights and Privileges.

Which was agreed to.

Mr. Stotsenburg moved to suspend the order of business and take up the majority and minority reports of the committee of thirteen.
Which was not agreed to.

Mr. Bundy moved to suspend the order of business and take up messages from the Senate.
Which was not agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Frasier, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred the petition of divers citizens of the county of Stuben praying for the passage of a law to abolish the office of county treasurer, and to provide for the election of township and city tax collectors, have had the same under consideration, and have directed me to report that in the opinion of said Committee such legislation would be inexpedient, and they recommend that said petition lie upon the table.

Which was concurred in.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, who were directed, by resolution of the House, to inquire into the expediency of providing by law that all moneys coming into the hands of supervisors for road purposes shall be expended by selling out the work to the lowest responsible bidder, have had the subject under consideration, and have directed me to report that in the opinion of said Committee such legislation would be inexpedient.

Which was concurred in.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, who were directed by resolution of the House to inquire into the expediency of so changing the law as to require township assessors to meet the citizens of their respective townships at the places of holding elections, for the purpose of receiving their respective lists of taxables, have had the same under consideration, and have directed me to report that, in the opinion of said committee, such legislation would be inexpedient.

Which was concurred in.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, who were directed to inquire into the expediency of providing by law for the

expending of the road tax collected by county treasurers, in the road districts from which the same may be collected, have had the matter under consideration, and have directed me to report that, in the opinion of said committee, further legislation on that subject is inexpedient.

Which was concurred in.

Mr. Anderson, Chairman of the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared engrossed House bill No. 1, with the original, and find it correctly engrossed.

Mr. Anderson, Chairman of the Committee on engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, have examined and compared engrossed House bill No. 22 with the original, and find it correctly engrossed.

BILLS INTRODUCED.

By Mr. Frasier,

House bill No. 173. A bill supplemental to an act, entitled "an act supplemental to an act, entitled an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation, approved March 2, 1855," so as to provide for the relocation of county seats, and for the erection and preservation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site, and a house to be used as a court house; and when a deed has been executed, to provide also for the transfer of any equitable title for the termination of action growing out of such relocation, and for the transfer of the former county property, approved December 22, 1858, so as to provide for the relocation of county seats, in counties where no court house has been erected, which have been formed out of the territory of another county, and for the transfer of the county officers' books, &c.

Was read a first time, and passed to a second reading.

By Mr. Williams,

House bill No. 174. A bill authorizing the organization of Insurance Companies in the State of Indiana.

Was read a first time and passed to a second reading.

By Mr. Veatch,

House bill No. 125. A bill to authorize the killing of dogs that are found wandering away from their owners, to provide for the licensing of dogs within cities and towns, and to make allowance out of the county treasury to the owners of sheep that have been killed by dogs, and prescribing the duty of township assessors in certain cases.

Was read a first time and passed to a second reading.

By Mr. Anderson,

House bill No. 176. A bill to license dogs, and providing for the payment of damages sustained in maiming or killing sheep by dogs.

Was read a first time and passed to a second reading.

By Mr. Moss,

House bill No. 177. A bill to regulate the remission of fines and forfeitures, and to repeal all laws conflicting with the provisions of this act.

Was read a first time, and passed to a second reading.

By Mr. Kendrick,

House bill No. 178. A bill to amend sections two, three and fourteen of "an act to amend an act, entitled an act to repeal all laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1859.

Was read a first time, and passed to a second reading.

By Mr. Woods,

House bill No. 179. A bill regarding estrays and articles adrift, and repealing all laws conflicting with the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Coopridge,

House bill No. 180. A bill to amend the thirteenth section of an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any Circuit, Probate Commissioners' or other court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed.

Which was read a first time, and passed to a second reading.

By Mr. Orr,

House bill No. 181. A bill to amend the seventieth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852, and repealing all laws in conflict therewith.

Which was read a first time, and passed to a second reading.

By Mr. Parrett,

House bill No. 182. A bill to amend sections one and three of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Frasier,

House bill No. 183. A bill to create the 17th Judicial Circuit of the State of Indiana, and to provide for the election of a Judge thereof, to fix the time of holding courts therein, to provide for the appointment and election of a prosecuting attorney in the tenth judicial circuit, and to repeal all laws inconsistent with the provisions of this act, and declaring an emergency for the immediate taking effect thereof.

Which was read a first time and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill No. 184. A bill providing for jurisdiction of the Circuit and Common Pleas Courts in cases of forfeited recognizances, and providing for service of process, and making the recognizance a lien on all the real estate of the parties signing the recognizance,

and giving the prosecuting attorneys additional fees for foreclosing the same, and repealing all laws in conflict with this act.

Which was read a first time and passed to a second reading.

By Mr. Henricks,

House bill No. 185. A bill entitled an act to provide for numbering the several districts of the Court of Common Pleas of the State of Indiana.

Which was read a first time and passed to a second reading.

JOINT RESOLUTIONS.

By Mr. Heffren,

No. 30. A joint resolution on vacating the office of State Printer, and providing for the public printing.

Mr. Frasier moved to lay the joint resolution on the table.

Mr. Heffren moved to lay Mr. Frasier's motion on the table.

Messrs. Heffren and Edson demanded the ayes and noes.

Mr. Bundy demanded a call of the House.

The Clerk proceeded with the call, and the following persons answered to their names :

Messrs. Anderson, Atkinson, Bingham, Branham, Brett, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McClurg, Moorman, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—80.

Mr. Stotsenburg moved that the Sergeant-at-Arms be directed to bring in absentees.

Which was agreed to.

On motion by Mr. Burgess,
The further call was dispensed with.

The Speaker, at 1 o'clock P. M., declared the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
February 7, 1861. }

The House met.

On motion by Mr. Ford,
The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Bundy,

A petition from sundry ladies of Henry county, on the subject of temperance.

Which,

On motion,

Was referred to the Committee on Temperance.

By Mr. Fraley,

A petition from citizens of Fountain county, asking for a change of the highway laws.

Which,

On motion,

Was referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

By Mr. Jenkinson,

A petition from sundry citizens of Allen county, asking the passage of a law to prevent the destruction of sheep by dogs.

Which,

On motion,

Was referred to the Committee on Agriculture.

By Mr. Underwood,

A petition from citizens of Jay county, asking for a change in the license laws of the State.

Which,

On motion,

Was referred to the Committee on Temperance.

By Mr. Davis,

A memorial from John McFaden, asking for pay for services rendered in arresting James S. Bell, who was tried and convicted on a charge of grand larceny.

On motion,

The memorial was referred to the Committee on Claims.

By Mr. Goar,

A petition from sundry citizens of Hamilton county, on the subject of the fees and salaries of county officers.

Which,

On motion,

Was referred to the Committee on County and Township Business.

REPORTS FROM STANDING COMMITTEES.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 85, entitled "an act to amend the title of an act, entitled an act to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges," have had the same under consideration, and direct me to report the following substitute for said bill, and recommend its passage, and that the original bill be indefinitely postponed:

House bill No. 186. A bill to authorize the board of commissioners to purchase toll bridges, or any private interest therein.

Was read a first time and passed to a second reading.

H. J.—22.

Mr. Jenkinson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 73, entitled "an act to provide for the collection, safe keeping and disbursement of public money," have had the same under consideration, and instruct me to report back to this House that, in the opinion of the majority of the said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Which was concurred in.

Mr. Bundy, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 14, entitled "a bill to amend section one of an act, entitled an act concerning interest on money," have had the same under consideration, and instruct me to report to this House that the said committee have already reported a bill on the same subject; that, therefore, further action upon the subject is inexpedient, and that the said bill be laid on the table.

Which was read and concurred in, and the bill laid on the table.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 134, entitled "an act to amend the 476th section of an act, entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and instruct me to report back to this House that, in the opinion of the said committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The question being on concurring in the report,

Messrs. Packard and Atkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Branham, Brucker, Bryan, Bundy, Burgess, Cason, Collins of Whitley, Crain, Dashiell, Edson, Erwin, Ferguson, Fisher, For-dyce, Fraley, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lightner, Moorman, Nebeker, Newman, Owens, Parrett, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woodruff and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Boydston, Brett, Cameron, Campbell, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Epperson, Feagler, Fleming, Ford, Frasier, Goar, Hayes, Henricks, Holcomb, Horton, Howard, Jenkinson, Kitchen, Lods, McClurg, McLean, Moss, Mutz, Orr, Packard, Pitts, Polk, Prow, Ragan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier Warrum Wilson, and Woodruff.—43.

So the report was concurred in, and the bill laid on the table.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 8, "a bill providing for the allowance to clerks and sheriffs for extra services, and repealing all laws inconsistent therewith," have had the same under consideration, and have instructed me to report the same back to the House with the amendment herewith filed, which is to strike out the bill from the exacting clause and insert the amendment, and when so amended, the Committee recommend its passage:

The board of county commissioners shall annually allow the clerk and sheriff of their respective counties, an annual compensation for extra services as such, not exceeding one hundred dollars each; but no such allowance shall be made to either of those officers until he shall have filed a detailed statement of his charges, *with items and dates*, and taken and subscribed an oath or affirmation to the truth thereof: the board may then make such reasonable allowances as they may deem proper, but in no event to exceed the sum above named; which allowance shall be in full of all compensation for extra services where no certain fee is fixed by law.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists, and therefore this act shall take effect and be in force from and after its passage.

Mr. Bundy offered the following:

Amend at the proper place by striking out "one hundred dollars," and inserting two hundred dollars.

Which was passed over informally.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 39, entitled "an act to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith," have had the same under consideration, and instruct me to report the same back to this House with the following amendments, to-wit:

Amend section one by inserting at the end of the fifty-first line, the following words, viz: "The manner of taking the votes shall be."

Also in the fifty-second line of said section one, strike out t word "theirs," and insert the word "the."

Amend section nine by striking out the word "smallest," and insert the word "largest."

Amend section ten by inserting at the end of the thirty-first line after the word "election," the following words, viz: "The manner of taking the vote shall be."

Also, strike out the the word "their" in the thirty-second line of said section ten, and insert the word "the" in lieu thereof.

Add to section two, at the end, the following words, viz: "coroner and surveyor."

Amend section five by inserting, after the word "court," the following words, viz: "of such county."

Amend section two by striking out, after the words "section two," the following, viz: "all laws or parts of laws coming in conflict with this act are hereby repealed," and inserting the following words, viz: "That an act entitled an act to authorize the formation of new counties, and to change county boundaries, approved March 7, 1857, and

also an act entitled an act to amend the first section of an act entitled an act to authorize the formation of counties, and to change county boundaries, approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained, approved March 5, 1859, be and they are hereby repealed."

And if so amended, the majority of said Committee recommend its passage.

Mr. Cason, from the same Committee, made the following minority report:

MR. SPEAKER:

We, the undersigned, members of the Judiciary Committee, beg leave to make the following minority report in reference to House bill No. 39, being a bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith; that we join with the majority of said Committee in recommending the passage of said bill, but would further recommend the following amendment to said bill:

That section eleven of said bill be amended by adding to said section the following: "But that nothing contained in this bill, or in the repealing clause thereof, shall operate to supersede any proceedings that have already been commenced for the organization of new counties, or the change of county boundaries, and all such proceedings shall proceed and be perfected under the law as heretofore existing."

T. J. CASON,
H. HEFFREN,
J. P. EDSON.

Mr. Veatch moved that the reports be laid on the table and made the special order of the day for Wednesday next.

Mr. Woodhull moved to amend the motion by adding that two hundred copies be ordered to be printed for the use of the House.

Mr. Nebeker moved to amend by making the bill the special order of the day for to-morrow.

Mr. Bundy called for a division of the question.
Which was ordered.

Mr. Dobbins moved to lay the motion to print on the table.
Which was agreed to.

The question being on the motion made by Mr. Veatch, to lay the reports on the table, and make them the special order of the day for Wednesday next at 10 o'clock.

It was agreed to.

Messrs. Moody, Davis and Heffren were granted leave of absence till Monday next.

SPECIAL ORDER.

The hour for the consideration of House bill No. 84 having arrived, the bill was taken up.

House bill No. 84. A bill regulating interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852, and all other laws or parts of laws in conflict with this act.

On motion by Mr. Nebeker,

The House resolved itself into a Committee of the Whole, with Mr. Nebeker in the Chair.

After remaining in session for some time, the Committee rose, and made the following report through its Chairman:

MR. SPEAKER:

The Committee of the whole House have, according to order, had under consideration House bill No. 84, and have made some progress therein, and direct me to ask leave of the House to sit again.

Which was concurred in.

Mr. Stotsenburg moved to suspend the order of business and take up the following warrant of the Speaker.

Which was agreed to.

HOUSE OF REPRESENTATIVES, }
Indianapolis, February 6, 1861. }

J. T. JOHNSON,

Doorkeeper of the House:

You will please forthwith notify and bring into the House the following members: Messrs. Feagler, Boydston, McLean, Moody,

Moss, Robbins, Sherman and Williams. They having been demanded by a call and order of the House.

CYRUS M. ALLEN,
Speaker of the House of Representatives.

With the following return thereon:

"I return this writ, served on all the within, except Mr. Robbins, and he cannot be found in the City, and all present except Mr. Moody.

JAMES T. JOHNSON, *Serargent at Arms.*
February 17, 1861.

On motion by Mr. Frasier,

All further proceedings under the warrant were dispensed with.

Mr. Veatch moved to take up House bill No. 62, to authorize the Bank of the State of Indiana to lay off and establish five additional bank districts, and to locate and establish branches therein.

Was read a second time, and,

On motion,

The bill and amendments were referred to the Committee on Banks.

By unanimous consent,

Mr. Bundy offered the following:

Resolved, That the use of this Hall be given to Gen. S. F. Cary, this evening, to lecture on Temperance.

Which was agreed to.

The question pending at the time the House went into the committee of the whole, was the motion of Mr. Bundy to amend the report of the Committee on the Judiciary on House bill No. 8.

Mr. McLean moved to lay the amendment on the table.

Messrs. Bundy and Parrett demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brett, Brucker, Bryan, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler, Ferguson,

Fisher, Fordyce, Fraley, Frasier, Goar, Hall, Harvey, Haworth, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, of Wayne, Kendrick, Lane, Lightner, McClain, Moorman, Moss, Jones Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prow, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Atkinson, Bundy, Fleming, Ford, Gifford, Gresham, Grover, Kitchen, Lods, McClurg, Robbins, Smith of Bartholomew, Stotsenburg, Thompson, Turner and Williams—15.

So the amendment was laid on the table.

The Speaker, at one o'clock, declared the House adjourned till tomorrow morning at 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
February 8, 1861. }

The House met.

On motion by Mr. Davis,

The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Jenkinson,

A petition praying for the protection of sheep from the ravages of dogs.

Which,

On motion,

Was referred to the Committee on Agriculture.

By Mr. Jenkinson,

A petition asking for the protection of sheep from sheep-killing dogs.

Which,

On motion,

Was read and referred to the Committee on Agriculture.

By Mr. Anderson.

A petition from citizens of Elkhart county, praying for a law to protect sheep from the ravages of dogs.

Which,

On motion,

Was referred to the Committee on Agriculture.

Mr. Orr, by unanimous consent, from a select committee, made the following report:

MR. SPEAKER:

The Select Committee, to whom was referred Senate bill No. 74, a bill to fix the the time of holding the Circuit in the Seventh Judicial Circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith, have had the same under consideration, and direct me to report the same back, and recommend its passage.

Senate bill No. 74. A bill to fix the time of holding the Circuit Courts in the Seventh Judicial Circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith.

Which was read a third time.

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Brucker, Bryan, Bundy, Campbell, Cason, Combs, Coopridger, Crain, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Wayne, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Moorman, Moss, Mutz, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Bar-

tholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Davis and Hayes.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Ragan, from the Committee on Elections, made the following report:

MR. SPEAKER:

The Committee on Elections, to whom was referred the petition of Lewis Rusk and others, of Wayne county, on the subject of keeping pure the ballot-box, report that we have examined said petition, as also the ballot-box of Mr. Miles J. Shinn, which has been patented by him.

Your Committee are of opinion that any legislation on the subject would be inexpedient, but that they are of opinion that said ballot-box is one of great ingenuity, and deserves the highest commendation from this body.

Further, that they would earnestly recommend to the various townships of this State, that they procure said ballot-boxes at as early a time as practicable, as it is certainly of great convenience and safety in preventing frauds, and also in keeping the count of votes as it progresses.

Which,

On motion,

Was concurred in.

Mr. Ragan, from the Committee on Elections, made the following report:

MR. SPEAKER:

Your Committee on Elections, to whom was referred credentials of the members of this House, would respectfully report that they have had that matter under consideration, and find all the sitting members duly accredited here, except the following, to-wit: Messrs Combs, and Jones of Tippecanoe, who have no certificates which have come to the hands of your Committee. All of which is respectfully submitted.

Which was concurred in.

Mr. Edson, from the Judiciary Committee, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 124, entitled "an act to cure certain defects, where persons have acted as deputies under the Clerks of the Circuit Courts, by and with their consent in this State," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Woodhull, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred a petition "directed to the General Assembly of the State of Indiana, signed by Henry R. Pomeroy and others of Warren county, praying the repeal of an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7, 1857, and amendments to the same, without any saving clause," have had the same under consideration, and instruct me to report to this House that the said Committee has already reported back to this House a bill upon the same subject, that therefore further action upon it is inexpedient, and that the petition be laid upon the table.

Mr. Gresham, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 31, entitled "a bill to repeal section 15 of an act entitled 'an act concerning promissory notes and bills of exchange,' approved May 12, 1852, and also to repeal sections three hundred and eighty-one and four hundred and forty-five of an act entitled 'an act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases, etc.,' have had the same under consideration, and instruct me to report back to this House, that in the opinion of said committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

Which was concurred in, and the bill laid on the table.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred petition No. 2, signed by B. R. Whitcomb and others, directed to the Senate and House of Representatives in relation to "so amending the usury laws of the State of Indiana as to allow ten per cent. interest on specified contracts," have had the same under consideration, and instruct me to report back to this House that the said Committee have already reported to this House on the subject, and that further action upon the subject is inexpedient, and that the said petition be laid upon the table.

The report was concurred in.

Mr. Roberts obtained leave of absence.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 30, entitled "a bill to amend the seventy-eighth section of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the Courts of this State,' approved June 17, 1852," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

On motion,

The report was concurred in, and the bill ordered to be engrossed.

Mr. Cason, from the same Committee, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 131, entitled "a bill to release the trustees of the Wabash and Erie Canal from their obligation to maintain part of said Canal lying within the city of Evansville, in Vanderburg county, and to enable the city of Evansville to fill up the same and dispense with bridges across it," have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, viz :

In section second strike out the words, "then this act shall take

effect and be in force," and insert the following words, viz: "the said city may then proceed under the provisions of this act to fill up said portion of said canal," and when so amended the said Committee recommend its passage.

Mr. Smith moved to indefinitely postpone the bill.

Mr. Fisher moved that the bill and amendments be laid on the table, and that two hundred copies be ordered to be printed.

Mr. Branham called for a division of the question.
Which was ordered.

The question being on the motion to print two hundred copies.
It was agreed to.

The question being on the motion to lay the bill on the table.
It was agreed to.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 115, introduced by Mr. Burgess, have had the same under consideration, and have directed me to report upon the same as follows:

This bill amends the first section of the act of 1859, (See acts, p. 150,) requiring the execution defendant to make out and deliver a schedule of his property to the officer before he shall be entitled to the benefits of the exemption laws. The act of 1859 requires a schedule of "all real estate, money on hand or on deposit, rights, credits and choses in action."

The amendment proposed in the bill requires a schedule of all real estate within or without this State, money on hand or on deposit, within or without this State, rights, credits and choses in action, and all personal property of every description whatever."

As doubts seem to have arisen whether the act of 1859 was sufficiently comprehensive to cover all the possible cases that might arise under it, the Committee have thought proper to recommend the amendment proposed in this bill, for the purpose of removing any doubt on the subject.

The Committee would further represent to this House that no provision exists by law for any one but the execution defendant to make the affidavit required in cases referred to in said act. This would

manifestly work great wrong and injustice to the families of defendants who are absent from the State.

The Committee would therefore recommend an additional section to be added to said bill as follows:

SEC. 2. That in any case where the execution defendant is absent from this State, the wife of said defendant may make out the schedule required in this act, and verify the same by her affidavit, and the said schedule when so made and delivered to the officer holding the writ shall entitle the wife to claim and hold for her husband the amount of property which by law is exempt from execution.

The report of the Committee was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 113, entitled a bill to amend the second section of an act, entitled "an act to provide for the election, and prescribing certain duties of recorder, approved May 31, 1852," have had the same under consideration, and have directed me to report the same to the House, and recommend that it lay on the table, and to report as a substitute therefor the accompanying bill.

House bill No. 187. A bill authorizing recorders to require payment in advance for their services.

The report was concurred in, the bill read a first time and passed to a second reading.

Mr. Veatch, from the Committee on the Judiciary, made the following additional report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 88, entitled "a bill to repeal section thirteen of an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," have had the same under consideration, and instruct me to report to this House that, in the opinion of the said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Jones, of Wayne, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred resolution No. 30, instructing the Committee to inquire into the expediency of amending the law relative to the collection of revenue, have had the same under consideration, and have unanimously instructed me to return the same to the House, and report that it is inexpedient to take any action thereon.

Which was concurred in.

Mr. Fordyce, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred the petition of citizens of Adams county, praying for the relief of William Vance, have had the same under consideration, and unanimously instruct me to return the same to the House, and report that it is inexpedient to take further action thereon.

Which was concurred in.

Mr. Gifford, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House bill No. 17, "regulating the public printing of the State of Indiana, providing for letting the same to the lowest bidder," have had the same under consideration, and so far as the pressure of other business would allow, have given it the attention its importance demands.— While fully aware that the present mode of conducting the important department of public business, is not without its evils. The committee entertain serious doubts whether a remedy for those evils would be found in the change provided for by the bill in question. They are unable to discover in the provisions of the bill, any safe guards against speculation or dishonesty, or any protection of the interests of the State, more effective than those already furnished by the existing laws. The Committee would also call the attention of the House to the fact, that the practice of letting out the Public Printing to the lowest bidder once prevailed in our State, and after fair and sufficient trial, the present plan was substituted for it. The Committee are also

given to understand that the plan under discussion has not been found to work to advantage in other States of the Union, where it has been, or still is in practice.

With regard to the prices now and hitherto paid by the State for printing, none of the Committee are practically acquainted with the art, and therefore are unable to judge whether those prices are reasonable or otherwise. They are however informed on authority which they deem reliable, that the rates at present allowed by the State yield no more than a fair and reasonable profit or remuneration to the public printer. And they are further informed by practical men, that any such reduction of prices as might be obtained by letting the work out to the lowest bidder, would result in lessening, not the profits of the contractor, but the wages of the laborers at the case and press. This is a result which we are sure neither the members of the House, nor their constituents, desire to effect.

Seeing, therefore, no additional safeguard in the bill against fraud or dishonesty, and nothing to recommend its provisions on the score of economy, and the former experience of the State not proving them advantageous, the committee have instructed me to report the bill back to the House, and recommend no further action on it.

Mr. Bundy moved to lay the report and bill on the table, and make it the special order of the day for Friday next.

Which was agreed to.

Mr. Gresham moved that two hundred copies of the bill be printed for the use of the House.

Which was agreed to.

Mr. Fisher, from the Committee of Ways and Means, to whom was resolution No. 11, instructing the committee to inquire into the expediency of so amending chapter five, section one hundred and thirty-seven of the Revised Statutes, as to dispense with filing the county treasurer's receipt for taxes with the county auditors, have had the same under consideration.

With respect to the proposed change in the Statute, they report adversely thereto, and recommend that the change be not made.

With respect to the equalization of the compensation of county treasurers and auditors, they are not possessed of data sufficient to enable them to judge of the necessity of legislation in the case, and report further action thereon inexpedient.

Which was concurred in.

Mr. Crain, from the Committee on Banks, made the following report:

MR. SPEAKER:

The Committee on Banks, to whom was referred House bill No. 89, entitled "an act to amend the ninth section of an act to authorize and regulate the business of general banking in the State of Indiana, so as to make a copy of the certificate of the auditor a sufficient cause of action, and the certificate itself *prima facie* evidence in suit against banking associations, and the individual stockholders thereof, or either or any of them, in certain cases therein named, have had that bill under consideration, and have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Fisher, from the Committee on Banks, made the following report:

MR. SPEAKER:

The Committee on Banks, to whom was referred House bill No. 111, a bill entitled "an act to amend the sixth section of an act, entitled an act to amend an act to authorize and regulate the business of general banking, which passed both Houses of the General Assembly of the State of Indiana, March 3, A. D. 1855, the objections of the Governor to the contrary notwithstanding, have had the same under consideration, and have directed me to report said bill back, and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Newman, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 79, providing for the election of sheriff of the Supreme Court, would report that they have had the same under consideration, and deem further legislation unnecessary, and recommend that said bill be laid on the table.

Which was concurred in, and the bill laid on the table.

Mr. Dobbins, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of H. J.—23.

George W. Griffith, for plastering and repairs on the State House, have had the same under consideration, and after hearing the statement of Mr. Bryant, the late librarian, as to the justness of the claim, have instructed me to report the same back to the House, and recommend that said claim be allowed, amounting in full to the sum of five hundred and seventy-five dollars, and seventy-five cents.

The Committee also desire that the report be referred to the Committee on Ways and Means.

The contracts and account accompany this report, and are made a part thereof.

The following papers accompany the report of the Committee :

Indianapolis, October 17, 1860.

MR. BRYANT,

Sir:—I will do all of the repairing in the House of Representatives, and whiten the sunk panels in the same, and do all of the patching in the Library room, for the sum of three hundred and ninety dollars—the work to be done in a workmanlike manner.

G. W. GRIFFITH.

Indianapolis, Ind., October 17, 1860.

MR. J. L. BRYANT,

State Librarian:

Sir:—I will do the patching in Library Room, and repair and whiten the Hall of Representatives, in a good manner, for the sum of four hundred and thirty dollars, (taking off all old plastering in Representatives Hall that is necessary to make a neat, substantial finish.

Yours, &c.,

J. M. SUTTON.

Indianapolis, December 31, 1860.

The State of Indiana, by order of State Librarian:

TO GEORGE W. GRIFFITH, DR.

To extra work over and above original estimate on plastering repairs.

Repairs on Governor's room.....	\$2 00
Senate Committee room, corner ceiling.....	15 00
Senate stationery room, patching.....	15 00

Senate Chamber, work and materials.....	70 00
Extras in House.....	21 00
Patching in Halls.....	11 00
Cleaning flues Sup. Court Clerk's room.....	10 00
Eight rosettes, \$1.00 each.....	8 00
Nine leaves, 75 cents each.....	6 75
House stationery room, repairs.....	10 00
Room of State Board Agriculture.....	10 00
New plastering, in place of old galleries.....	7 00
	<hr/>
	\$185 75

Measured and certified by J. M. Sutton.

Original estimate for House and Library room.....	390 00
	<hr/>
	\$575 75

This is to certify that the above is correct.

The report of the Committee, and accompanying papers, were referred to the Committee on Ways and Means.

Mr. Sloan, from the Committee on Claims, made the following majority report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of the National Guard's Band, for services rendered by said band on the occasion of the burial of Ashbel P. Willard, late Governor of the State, have had the same under consideration, and a majority of the Committee instruct me to report that, in their opinion, it ought not to be allowed.

Mr. Brucker, from the same Committee, made the following minority report:

MINORITY REPORT FROM THE COMMITTEE ON CLAIMS.

The undersigned, members of the Committee on Claims, to whom was referred a bill for the amount of \$50 00 in favor of the brass band of the "National Guard," for services rendered at the funeral of the Hon. Ashbel P. Willard, late Governor of the State of Indiana, have had the same under consideration, and report the said claim back to this House and recommend that the same be paid by order of this House.

M. BRUCKER,
C. S. DOBBINS.

Members of the Committee on Claims.

The question being on concurring in the report of the majority of the Committee.

It was concurred in, and the claim laid on the table.

On motion by Mr. Parrett,
The minority report was laid on the table.

Mr. Sloan, from the Committee on Claims, made the following report :

MR. SPEAKER:

The Committee on Claims, to whom was referred House bill No. 27, "a bill fixing the compensation of the Speaker of the House of Representatives," have had the same under consideration, and a majority have instructed me to report that in their opinion further legislation on the subject is inexpedient, and recommend its indefinite postponement.

Mr. Dobbins, from the same Committee, made the following minority report :

MR. SPEAKER:

The majority of the Committee on Claims have reported and recommended the indefinite postponement of House bill No. 27, being "a bill fixing the compensation of the Speaker of the House of Representatives." That bill proposes to allow the Speaker six dollars per day for each day he may serve as such, and is not to take effect during the term of the present incumbent. I concur generally with the majority of the Committee as to the bill reported by them, but I cannot concur as to the indefinite postponement of the whole subject. I think that the Speaker's compensation should be increased, so that the "patriotism" spoken of by the gentleman from Elkhart may have the wherewith to preserve its dignity. But I will not attempt to set the reasons out in this report why the compensation should be increased. It is apparent to every man who looks at the matter with candor, that the pay of the Speaker is inadequate. I therefore respectfully submit the accompanying bill as an amendment to the bill reported by the majority, and recommend its passage.

Strike out all after the enacting clause, and insert:

"That the compensation of the Speaker of the House of Representatives shall be allowed five dollars per day for every day he shall serve as such during each session of the General Assembly.

SEC. 2. It is hereby declared that an emergency exists for the

immediate taking effect of this act, the same shall therefore take effect and be in force from and after its passage."

Mr. Ford offered the following amendment:

After the word "Speaker," insert "that the per diem allowance of members of the General Assembly be five dollars."

Which the Speaker decided to be not in order.

Mr. Smith, of Bartholomew, offered the following amendment:

Amend by striking out all but the emergency clause, which is understood to apply to the present incumbent.

Which the Speaker decided to be not in order.

Mr. Holcomb offered the following amendment:

"Strike out five dollars and insert two dollars per day in addition to the regular per diem pay of members.

Mr. Stotsenburg moved that the bill and pending amendments be laid on the table.

The question being laying the bill and amendments on the table,

Messrs. Stotsenburg and Atkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Brucker, Bryan, Bundy, Campbell, Cason, Collins of Whitley, Combs, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Ferguson, Fleming, Ford, Fraley, Goar, Hall, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hurd, Jenkinson, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Moorman, Moss, Mutz, Newman, Orr, Packard, Parrett, Prow, Ragan, Randall, Robbins, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodruff and Woods—64.

Those who voted in the negative were,

Messrs. Boydston, Brett, Bundy, Burgess, Cameron, Collins of Adams, Coopridge, Edson, Fisher, Fordyce, Frasier, Gifford, Gresham, Grover, Harvey, Haworth, Jones of Wayne, Knowlton, Nebeker, Owens, Polk, Sherman, Thompson, Woodhull and Mr. Speaker—23.

So the bill and pending amendments were laid on the table.

Mr. Stotsenburg moved to reconsider the vote just taken, and to lay the motion on the table.

Which was agreed to.

Messrs. Hall, Moorman, Erwin and Mutz were granted leave of absence.

Mr. Moss, granted leave of absence till Tuesday next.

Mr. Hopkins, granted leave of absence till Monday next.

Mr. Cameron, by unanimous consent, moved to take from the table House bill No. 58.

Which was agreed to.

On motion,

The bill was referred to the Committee on the Judiciary.

Mr. Orr, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred the petition or memorial of Messrs. Davis Denny, John B. Deig, James B. Campbell, and others, praying for the passage of a law for the payment of a reward of \$200 for the capture and conviction of every horse thief, when captured within the limits of the county where the horse was stolen, and \$3000 when captured out of the limits of such county, such reward to be paid out of the treasury of such county, have had the same under consideration, and have instructed me to report that they deem it inexpedient at the present time to grant said memorial's request.

Which was concurred in.

Mr. Sherman from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee to whom was referred House bill No. 87: "a bill exempting all parsonages from taxation, and repealing all laws in

conflict with this act," have had the same under consideration, and directed me to make the following report:

Amend the fourth line in the first section by adding after the word "erected" the words "or adopted," and by erasing all the fifth line, and the first, second and third words of the sixth line, and when so amended to recommend its passage.

Which was concurred in.

Mr. McClurg, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 140, entitled an act to authorize the President of the Board of Sinking Fund Commissioners to make deeds and certify mortgages in certain cases therein named, have had the same under consideration, and direct me to report it back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Sherman, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 97, entitled an act to amend the sixth and seventh sections of an act, entitled "an regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incident thereto, approved March 13, 1852, and the repeal of all laws conflicting therewith, have had the same under consideration, and directed me to report the bill back to the House without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hurd, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 116, being "an act to require the manufacturers and vendors of copy right medicines or prescriptions, commonly known as patent medicines, to label packages, bottles or boxes in which said medicines or prescriptions are contained, with the names and quanti-

ties of the various kind or kinds of medicines, articles or ingredients, composing said composition of medicine," have had the same under consideration, and have instructed me to report the same to the House and recommend that the bill pass.

Which,

On motion,

Was concurred in.

Mr. McClurg, from the Committee on the Rights and privileges of the Inhabitants of the State, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 86, have had the same under consideration, and direct me to report it to the House, with the following amendments :

Strike out the word "three," in the twenty fourth-line of section two, and insert the word "two."

Strike out the word "four," in the twenty-eighth line of section two, and insert the word "three."

After the adoption of which amendments, they recommend its passage

Mr. Frasier offered the following amendment to the bill,
Which was ruled out of order.

SEC. —. The Court of Common Pleas is hereby abolished.

Mr. McLean moved the previous question.
Which was seconded.

The question being, shall the main question be now put,
It was so ordered.

The question being on concurring in the report, and adopting the amendments,

Messrs. Newman and Frasier demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Brett, Bryan, Cameron, Campbell, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis,

Dobbins, Edson, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Wayne, Kendrick, Lods, Lane, Lightner, McClurg, McLean, Moss, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thompson, Turner, Underwood, Warrum, Wells, Wilson, Woodruff and Woods—69.

Those who voted in the negative were,

Messrs. Bingham, Branham, Brucker, Bundy, Cason, Collins of Whitley, Erwin, Frasier, Gresham, Hudson, Knowlton, Packard, Trier, Thomas, Veatch, Williams, Woodhull and Mr. Speaker—18.

So the report was concurred in, and amendments adopted.

The bill was ordered to be engrossed.

Mr. Nebeker moved that the bill and amendments be considered as engrossed, and read a third time now.

Which was agreed to.

No. 86. A bill to amend sections eight and ten of an act providing for the election and qualification of justices of the peace, and defining the jurisdiction, powers and duties in civil cases, approved June 9, 1852.

Was read a third time, and,

The question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Brett, Bryan, Cameron, Campbell, Collins of Adams, Combs, Coopridner, Dashiell, Davis, Dobson, Edson, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Moss, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Turner, Underwood, Warrum, Wells, Wilson and Woodruff—69.

Those who voted in the negative were,

Messrs. Bingham, Branham, Brucker, Bundy, Burgess, Cason, Collins of Whitley, Crain, Erwin, Frasier, Gresham, Howard, Knowlton, Owens, Packard, Thomas, Veatch, Williams, Woodhull, Woods and Mr. Speaker—21.

So the bill passed.

Mr. Bundy moved to amend the title of the bill as follows:

“A bill to encourage litigation, and increase the fees of lawyers.”

Mr. Parrett moved to lay the amendment on the table.

Messrs. Cameron and Holcomb demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bundy, Cason, Frasier, Knowlton, Packard and Mr. Speaker—6.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Adams, Collins of Whitley, Combs, Coopridner, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Moss, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woodruff, and Woods—84.

So the amendment did not prevail.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Orr, from the same committee, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 135: “a bill to amend section six of an act to provide

for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt from taxation the personal property of widows when the same does not exceed three hundred dollars in value, have had the same under consideration, and the Committee was unanimous in the opinion that it was just and right that widows should have three hundred dollars exempt from taxation, when their personal property does not exceed that amount. In view of this fact said committee have instructed me to report the bill back to this House, recommending its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Bundy moved to suspend the order of business for the introduction of the following resolution.

Which was done.

Resolved, That a select committee of five on printing be appointed on the part of the House, to act with the standing committee of the Senate on that subject, whose duty it shall be :

1st, To inquire into and report what amount of money has been expended during the last year on account of the public printing, and whether said printing has been done under the prices established by the law of 1859.

2d, To examine the prices established by the law of 1859, and report whether justice and economy demand further reduction of said prices.

3d, To report a bill making it the duty of the State Printer to furnish the paper necessary for the public printing.

4th, To report a bill separating the binding for the State from the State Printing.

Mr. Fisher offered the following amendment :

Amend by striking out all that relates to enquiring into the expense of public printing.

Which was adopted.

Mr. Knowlton offered the following amendment :

Amended to refer to Committee on Public Expenditures all that refers to money spent for printing.

On motion by Mr. Bundy,
The amendment was laid on the table.

Mr. Gresham offered the following amendment :

Amend by striking out all that part of the second resolution that requires the Committee to report a bill.

Which was agreed to.

The resolution as amended was then adopted.

Mr. Goar asked and obtained leave of absence till Monday next.

Mr. Frasier, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 24, being a bill to amend section 23 of an act to provide for the valuation and assessment of real and personal property, and for other purposes therein named, approved June 2, 1852, have had the same under consideration and have directed me to report back said bill, with the opinion of the Committee that the measure would be inexpedient, and the Committee recommend that the bill be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Brett, from the Committee on Corporations, made the following additional report :

MR. SPEAKER:

The Committee on County and Township business, to whom was referred the proceedings of a meeting of citizens of Mound Township, Warren county, urging a change in the present school and township laws of the State, respectfully report that they have had the same under consideration, and are of the opinion that it would be inexpedient to make changes in said laws, as suggested by said meeting.

Which was concurred in.

Mr. Brett, from the Committee on County and Township Business, made the following report :

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred the resolution offered by Mr. Holcomb, instructing said committee "to inquire into the expediency of amending the law so as to allow county recorders a fair compensation for entering satisfaction on mortgages recorded in their offices," respectfully report that recorders are now allowed a fair compensation for such services, and further legislation on the subject is inexpedient.

Which was concurred in.

Mr. Brett, from the Committee on County and Township Business, made the following additional report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 57, entitled "a bill to amend the first, second, fifth and sixth sections of an act, entitled an act to provide for the relocation of county seats, and for the erection of public buildings in counties, in case of such relocation," approved March 2, 1855, would respectfully report that they have had said bill under consideration, and, after a careful examination of the same, are of unanimous opinion that further legislation on the subject therein named is unnecessary and inexpedient, and therefore return said bill, and recommend that it be indefinitely postponed.

Mr. Wilson, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township business, to whom was referred the petition of E. B. Driskell and others, praying a change in the road laws, have had the same under consideration, and direct me to report that further legislation is inexpedient.

Which was concurred in.

Mr. Wilson, from the same Committee, made the following additional report:

MR. SPEAKER:

The County and Township Committee, to whom was referred a resolution of the House, in regard to the fees of county recorders,

have had the same under consideration, and direct me to report that further legislation is inexpedient.

Which,
On motion,
Was concurred in.

Mr. Ford, from the same Committee, made the following report :

MR. SPEAKER :

The petition of Thomas Stanfield and others, of St. Joseph county, which was referred to the Committee on County and Townships Business, praying the Legislature to adopt the serrogate system, instead of the present probate system of doing business, a majority of said committee have instructed me to report that, while the present probate system exists, further legislation is inexpedient, and that the petition be laid on the table.

Which was concurred in, and the petition laid on the table.

Mr. Jones, of Wayne, from the same Committee, made the following additional report :

MR. SPEAKER :

The Committee on County and Township Business, to whom was referred petition No. 4, signed P. C. Hammond and others, citizens of Pike county, asking that the law governing the election of county commissioners, be so amended as to require the election of said officers to be by districts, have had the same under consideration, and have unanimously instructed me to return the same to the House, and report that it is inexpedient to take any action thereon.

Which was concurred in.

Mr. Turner, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House bill No. 11, providing for rebuilding and repairing division fences along the line of railroads, have had the same under consideration, and have directed me to report the bill back, and recommend its passage.

On motion,
The bill was recommitted to the Committee on the Judiciary.

Mr. Robbins, by unanimous consent, offered the following resolution :

Resolved, That this House respectfully request each member thereof to furnish the Committee on mileage with the distance on the usually travelled route from the county seat of his county or counties to Indianapolis, and also to Jeffersonville, which information your committee most respectfully solicit, in order the more satisfactorily to report to this house upon that subject.

Which was agreed to.

Mr. Parrett from the Committee on Corporations, made the following report:

MR. SPEAKER :

Your Committee on Corporations have had under consideration House bill No. 91, a bill entitled "an act to amend an act approved January 27, 1847, entitled an act to amend an act, entitled an act to incorporate the Eel River Seminary Society, approved January 1, 1829, and for other purposes; to amend the second section of said act; to repeal the third, fifth and eighth sections; to clothe said Society with additional powers; to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said Society, and their term of office, and the effect of a failure to elect, and to confirm the act of the board of commissioners of Cass county in relation to the stockholders of said society, all the interest of said county in the Society's property and revenues, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of County Seminaries, and legalizing the proceedings of said corporation, and direct me to report the same back to the House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parrett, from the Committee on Corporations made the following report:

MR. SPEAKER :

Your Committee on Corporations, to whom was referred House bill No. 15: a bill to amend section second of an act entitled "an act concerning the organization of volunteer associations, and repealing former laws in reference thereto," approved February 12, 1855, have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill laid on the table.

Mr. Parrett, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations have had under consideration House bill No. 114: a bill entitled an act to amend the first section of an act entitled "an act for the incorporation of manufacturing and mining companies and companies for mechanical, chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power, to carry on such business, or to supply any city or village with water," and direct me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined and compared engrossed House bills Nos. 94, 102, 106, 107, 136 and 142, with the originals, and find them correctly engrossed.

Mr. Hurd, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 82, being an act entitled an act to amend the seventh section of an act entitled "an act to incorporate the South Bend Manufacturing Company," and to repeal the ninth section of the same, approved December 28, 1842. Also, House bill No. 77, being an act to amend the sixth section of an act entitled an act to incorporate the St. Joseph Iron Company, and to repeal the seventh, eighth, ninth, tenth, eleventh and twelfth sections thereof, approved January 22, 1835, have, after careful investigation, instructed me to report the same to the House and recommend their passage.

The report was concurred in, and the bills ordered to be engrossed.

The Speaker, at one o'clock P. M., Declared the House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
February 9, 1861. }

The House met.

On motion by Mr. Parrett,

The reading of the journal was dispensed with.

The Speaker announced the following Joint Committee on apportionment:

Messrs. Cameron, Branham, Burgess, Grover, Brett, McLean and Hayes.

The Speaker announced the following as the Committee on Mr. Randall's resolution in relation to public printing:

Messrs. Randall, Haworth, Cameron, McClurg and Collins of Adams.

Messrs. Jones of Wayne, Ford, Gresham, Collins of Whitley, Lightner and Combs, were granted leave of absence till Monday next.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Crain,

A petition from sundry citizens of Vermillion county, Indiana, asking the formation of a new Common Pleas District, composed of the counties of Parke, Vermillion and Putnam.

Was read and referred to the special committee of the House on creating a new Judicial Circuit.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on the Judiciary, made the following report.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 109, a bill to regulate the business of Insurance Companies doing
H. J.—24.

business under charter granted by the State of Indiana, prior to the 17th day of June, 1852, have had the same under consideration, and they are of the opinion that the bill is unconstitutional. The object of the bill is a good one, for it is intended to protect the people from the imposition of "bogus" insurance companies, organized under "galvanized" charters which have long laid dormant, but which speculators have seized hold of in order to practice upon the credulity of the public. The bill requires a deposit of stocks with the Auditor of State, to protect the policy holder; but the committee are of opinion that it is not competent for the Legislature to do this, because that far at least it would impose a restriction on these companies, not authorized by their charters, and would violate the contract made between the State and the companies when they were organized.

The Committee, therefore, recommend that the bill lay on the table.

Which was concurred in, and the bill laid on the table.

Mr. Veatch, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 72, introduced by Mr. Crain of Parke, entitled "an act for the recovery of personal property, providing for an execution against the body, and repealing all laws in conflict therewith," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 129, introduced by Mr. Bundy, entitled "an act to amend section one hundred and seventy-eight of the act entitled an act providing for the settlement of decedents' estates, prescribing the rights, duties, and liabilities of officers, &c.," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 139, introduced by Mr. Jenkinson, entitled "a bill to enlarge the legal capacity of married women, whose husbands are insane, and to enable them to contract as if they were unmarried," have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, viz :

Amend section one by inserting in the tenth line of said section, after the word "with," the following words, to-wit : "in relation to their separate property."

And after the bill has been so amended, the said Committee recommend its passage.

Which was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Woodhull, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 143, introduced by Mr. Bundy, entitled "a bill to amend the ninth section of an act regulating the fees of officers, and repealing former acts in relation thereto," have had the same under consideration, and instruct me to report the same back to this House with the following amendment, to-wit :

Amend section one by adding at the end of said section the following words : "For each tract or parcel of land sold for taxes, ten cents ; for redeeming each county order, ten cents."

And after the said bill has been so amended, the said committee recommend its passage.

On motion by Mr. Parrett,

The report and bill, with amendments, were laid on the table.

Mr. Wells, from the Committee on Roads, made the following report :

MR. SPEAKER :

The Committee on roads, to whom was referred a resolution inquiring into the expediency of so amending the laws in relation to high-

ways, as to require the owners of land along highways and railroads to cut down dead timber, have had the same under consideration, and direct me to report the same back, and recommend that it lie on the table.

The report was concurred in, and the resolution laid on the table.

Mr. Wells, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred a resolution "to inquire into the propriety of making it the duty of supervisors of roads to clear out the obstructions in rivers and watercourses running through their districts," have had the same under consideration, and direct me to report that legislation would be inexpedient.

The report was concurred in, and the resolution laid on the table.

Mr. Wells, from the Committee on Roads, made the following additional report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 103, a bill "to provide for the erection and repair of any bridge across a stream forming the boundary line between to counties, and and to repeal section seven of an act approved March 3, 1855, entitled an act to provide for the erection and repair of bridges, and to repeal an act to provide for the erection and repair of bridges," approved May 12, 1852, have had the same under consideration, and directed me to report the same back, and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Holcomb, from the Committee on roads, made the following report:

MR. SPEAKER:

The Committee on Roads and Highways, to whom was referred a resolution instructing said Committee to inquire into the expediency of so amending the law regulating the rates of toll on plank, gravel McAdamized roads, as to increase the rates for sheep, &c., have had the same under consideration, and have instructed me to report the same back and recommend that it lie on the table, as in the opinion of said Committee, no material change in that law is necessary.

Mr. Nebeker moved to refer the subject to a Select Committee of three.

Which was agreed to.

Messrs. Nebeker, Jones of Wayne and Fisher, were appointed said Committee.

Mr. Holcomb, from the same Committee, made the following additional report :

MR. SPEAKER :

The Committee on Roads and Highways, to whom was referred House bill No. 96: a bill to repeal sections two, three, four and five, and supplemental thereto, of an act entitled "an act to provide for locating and working highways located on county lines," have had the same under consideration, and have directed me to report the same back, with the following amendment, to-wit :

After the word "work," at the end of the third section, add "and all roads now located on county lines shall be worked in like manner."

And when so amended recommend its passage.

On motion,

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Crain, from a special committee, made the following report :

MR. SPEAKER :

The special committee, to whom was referred House bill No. 122, entitled "an act to organize a judicial district composed of Vermilion, Parke and Putnam counties, providing for the appointment and election of a Judge and District Attorney therefor, fixing the time of the commencement and the duration of the terms thereof, making all writs, subpoenas, venires, rules and orders of court, reports, recognizances, publications, and process whatever, returnable thereto, and declaring when and how the same shall take effect," have had the same under consideration, and have directed me to report the same back and recommend its passage.

Which was read and concurred in, and the bill ordered to be engrossed.

Mr. Wells, from the select committee to whom was referred a petition from citizens of Pike county, praying for a law to authorize the organization of companies for the purpose of building dams on any stream to afford slack water navigation, have had the same under consideration, and respectfully report the following bill, and recommend its passage :

House bill No. 188. A bill to provide for the organization of companies to build dams across any stream to afford slack-water navigation.

Which was read a first time, and passed to a second reading.

RESOLUTIONS.

On motion by Mr. Woods,

Resolved, By the House, the Senate concurring, that the Standing Committee on Swamp Lands appointed by the House, and the Standing Committee on Swamp Lands appointed by the Senate, shall form a Committee of Conference to confer and determine on the best plan to be adopted for a full inquiry into the alleged frauds concerning swamp lands, and fix on some plan for a full and complete examination of the matter, especially the validity of all swamp land certificates, and report as soon as possible.

Mr. Stotsenburg offered the following amendment, which was accepted by the mover of the resolution :

Amend by adding "during the session."

On motion by Mr. Bundy,

Resolved, By the House of Representatives, (if the Senate concur) that the State Librarian be authorized to transmit to the Governor of Wisconsin copies of such statistics, journals, and other documents as there may be a surplus of now in the library, in exchange for documents received from that State.

BILLS INTRODUCED.

By Mr. Stotsenburg,

House bill No. 189. A bill authorizing the arresting and securing of fugitives from justice.

Which was read a first time, and passed to a second reading.

By Mr. Branham,

House bill No. 190. A bill to provide for the expenses of the present session of the Legislature.

Which was read a first time, and passed to a second reading.

By Mr. Grover,

House bill No. 191. A bill to amend sections one hundred and seventy-six and one hundred and ninety of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Jenkinson,

House bill No. 192. A bill to provide for the organization of Circuit Courts, the election of Judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said Judges, and the numbers of terms of said Courts, and transferring the Probate business of the Common Pleas Court to the Circuit Court, and repealing all former laws on the subject.

Which was read a first time, and passed to a second reading.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the following resolution of the House, to-wit:

Resolved, That a joint committee of eleven, seven on the part of the House and four on the part of the Senate, be appointed to report a bill to both Houses apportioning the State into proper Senatorial and Representative districts, and that the President of the Senate and Speaker of the House be requested to consult together before appointing said Committee, so as to have each Congressional district represented on said Committee; and that Senators Anthony, of the second, Claypool, of the fifth, Wagner, of the eighth, and Hamilton, of the tenth Congressional districts, were appointed said select Committee on the part of the Senate.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House of Representatives, for the signature of the Speaker, the following enrolled bill of the Senate, to-wit:

Senate bill No. 74. An act to fix the time of holding the Circuit Courts in the seventh judicial circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith.

By Mr. Anderson,

House bill No. 193. A bill to provide for the location, change or vacation of public highways. for the assessment of damages sustained by such location, change or vacation, and to repeal sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four twenty-five and twenty-six of an act to provide for the opening, change or vacating of highways, approved June 17, 1852.

Which was read a first time and passed to a second reading.

By Mr. Kendrick,

House bill No. 194. A bill to provide for the sale of certain property in the city of Indianapolis belonging to the State of Indiana, and with the proceeds thereof to purchase new grounds within the limits of said city, and erect thereon a new residence for the Governor and for the regulation of the same.

Which was read a first time and passed to a second reading.

By Mr. Lane,

House bill No. 195. A bill to amend section thirty-four of chapter eighty-three of the Revised Statutes of 1852, and entitled an act to provide for the incorporation of railroad companies, approved May 11, 1852.

Which was read a first time and passed to a second reading.

By Mr. Burgess,

House bill No. 196. A bill giving clerks of the several Circuit Courts of this State, probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies from practising law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.

Which was read a first time and passed to a second reading.

By Mr. Stotsenburg,

House bill No. 197. A bill to amend the fourth section of an act declaratory of the law regulating marriages and enforcing the provisions thereof by proper penalties, approved March 5, 1852, so as to give the county recorders power to issue marriage license.

Which was read a first time and passed to a second reading.

By Mr. Veatch,

House bill No. 198. A bill to provide for the erection of an asylum for inebriates.

Was read a first time, and passed to a second reading.

By Mr. Thompson,

House bill No. 199. A bill to amend an act, entitled "an act authorizing County Agricultural Societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock.

Which was read a first time and passed to a second reading.

By Mr. Fordyce,

House bill No. 200. An act to amend the third section of an act, entitled "an act containing some general provisions respecting the Sinking Fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure the Sinking Fund a portion of their indebtedness," approved March 5, 1859, so as to authorize partial releases of lands mortgaged pursuant to said act, and so as to authorize substitutions.

Was read a first time and passed to a second reading.

By Mr. Parrett,

House bill No. 201. A bill to attach the county of Huntington to the Tenth Judicial Circuit, to create the Seventeenth Judicial Circuit, to provide for the election of a judge thereof, to provide for holding the terms of Courts in said Circuits, and to provide for the election of a prosecuting attorney in said Tenth Judicial Circuit.

Was read a first time, and passed to a second reading.

By Mr. Knowlton,

House bill No. 202. A bill to amend section 650 of article 36 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852

Was read a first time and passed to a second reading.

By Mr. Hurd,

House bill No. 203. A bill to provide for the registration of births, marriages and deaths, and for the appointment of a registrar, defining and prescribing his duties, and the duties of other officers and persons in relation thereto, providing for the publication annually of such registration, and for the compensation of the officers performing the duties prescribed, also providing penalties for the violation of the law.

Which was read a first time and passed to a second reading.

By unanimous consent,

On motion by Mr. Collins of Adams,

Resolved, That any member having or obtaining leave of absence, it shall be only for one day, unless the absence be obtained for a limited time.

By Mr. Coopridger,

House bill No. 204. A bill for the protection of swamp land ditching in this State be enacted by the General Assembly of the State of Indiana.

Which was read a first time and passed to a second reading.

Mr. Woodhull asked and obtained leave to present to the House the following communication:

MR. SPEAKER:

Believing, as we do, that the difficulty which lead to high words between us, and the disturbance of the dignity and decorum of this Body on the morning of the 2d inst., which we very much regret, arose entirely from a misunderstanding, we therefore mutually con-

sent to an amicable adjustment of the same, and all offensive language on the part of each is hereby withdrawn.

[Signed,]

A. O. PACKARD,
HENRY FEAGLER.

February 8, 1861.

By Mr. Williams,

House bill No. 205. A bill to encourage the construction of free turnpikes, and to provide therefor.

Which was read a first time and passed to a second reading.

The Speaker, at 11 o'clock A. M., declared the House adjourned till Monday next, at 2 o'clock P. M.

MONDAY, 2 o'clock, P. M., }
February 11, 1861.

The House met pursuant to adjournment.

On motion by Mr. McLean,

The reading of the Journal was dispensed with.

RESOLUTIONS.

On motion by Mr. McClurg,

Resolved, That the Doorkeeper be instructed to procure three dollars worth of postage stamps for each member of this House.

On motion by Mr. Brucker,

Resolved, That the Hall of the House of Representatives be allowed to our most worthy fellow citizen, Robert Dale Owen, Esq., for Wednesday evening next, to deliver an address on "The Perils and exigencies of the present crisis."

On motion by Mr. Ford,

Resolved, That the Committee on Rights and Privileges be instructed to inquire into the expediency of making all persons living out of this State and peddling Jewelry in the same, be required to pay a license, and report by bill or otherwise.

On motion by Mr. Edson,

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of providing by proper enactment for the appointment of a commission of not less than three nor more than five of the most able and distinguished jurists within the State, to thoroughly revise and abridge the Revised Statutes of 1852, and the various acts of the Legislature passed since said revision, and that they report at their earliest convenience, by bill or otherwise.

Mr. Campbell offered the following resolution :

Resolved, That the Committee on Apportionment be instructed to inquire into the expediency of reducing the number of Senators to fifteen, and the number of Representatives to thirty, in the General Assembly, and that they report by bill or otherwise, at their earliest convenience.

Mr. Frasier moved to amend by inserting, at the proper place, "five Senators and ten Representatives.

Which was not agreed to.

The question recurring on the resolution,

It was not agreed to.

Mr. Black offered the following resolution :

Resolved, That the Committee on Ways and Means be instructed to report a bill to provide for a more rapid, but gradual, liquidation of the State debt.

Which was not agreed to.

On motion by Mr. Howard,

Resolved, That the Committee on Corporations be directed to inquire into the expediency of giving to plank road, turnpike

and gravel road companies, the same right to enter upon lands, and appropriate materials, for the construction and repair of their road, as now allowed by law to railroad companies.

On motion by Mr. Brett,

Resolved, That the Judiciary Committee be requested to inquire into the expediency of repealing the tenth section of the act creating Courts of Conciliation, and also of repealing the act of 1859, requiring the jury to appear on the third day of the term of Courts of Common Pleas, and report by bill or otherwise.

Mr. Holcomb presented the following proceedings of a Union Meeting of the citizens of Gibson County :

UNION MEETING.

Agreeably to public notice, the citizens of Gibson County in favor of compromise and concession in the settlement of the present political difficulties, met on Tuesday. John Hargrove was chosen President, and N. B. Risinger Secretary. On motion of Col. Smith Miller, all the soldiers of the war of 1812 were invited to take seats as Vice Presidents.

B. H. Polk, Henry Haub, and J. W. Montgomery, were chosen as a Committee on Resolutions, and retired for consultation. In a short time they returned and reported through the Chairman, B. H. Polk, the following resolutions :

WHEREAS, Political dissensions are now distracting the country and threatening its ultimate dissolution and overthrow; and whereas, the expression of conservative and Union-loving men, as to the crisis, may have a tendency to effect good, by cheering the hearts of the noble patriots who are now laboring with their best energies to stay the madness abroad in the land—we, the Democracy of Gibson county, declare the following as an expression of our sentiments :

Resolved, That we are attached to the Union and the Constitution, and that we deeply deplore the recent influences which threaten the dissolution of the one, and the destruction of the other.

Resolved, That our present troubles arise from sectional parties, desiring to thrust dogmas and fanatical doctrines upon an unwilling people; that secession is revolution, and can only be justified by the same causes that justify revolution; that such causes do not now exist, yet as a sectional party in the North and the South is striving for the ascendancy, and to indoctrinate the people with principles at war with the Government and the rights of the other section, it is

eminently important that some settlement be effected which shall be made permanent by embodying the same in the Constitution of the United States.

Resolved, That the doctrine shadowed forth by the recent acts of some of the Southern States, in seizing the forts, arsenals, arms and other Government property, and converting the same to their own use, is akin to that other doctrine set forth in the platforms of the Republican party, appropriating all the Territories of the United States to the uses and purposes of one section alone—neither of which will be submitted to by a free people, jealous of their rights.

Resolved, That the charge recently made by Black Republicans, that the Northern Democracy have misrepresented their principles to the Southern people, finds a refutation in all the legislation of that party where they have had the controlling power, and in the sentiments uttered by all their leaders.

Resolved, That ours is a Government of compromise, and can only be preserved by compromise; and if, as a mere experiment, it was deemed worth the mutual concessions made by our Fathers to establish it, how much more is it our duty to preserve it by like generous concessions when time has proved its excellence.

Resolved, That we fully believe those who stand doggedly over an abstraction, expecting to witness the wreck of this great governmental fabric, and refuse to yield their party prejudices, when by so doing they might establish peace and restore harmony, are not patriots, and can not be characterized as lovers of their country.

Resolved, That while we believe the principle of non-intervention (by Congress with slavery in the Territories) to be the wisest, fairest and best basis of compromise, we will, in a spirit of concession, accept the Crittenden Resolutions, the Border States Compromise, or any other just settlement that will unite the Border States, North and South, under the banner of the Union.

Resolved, That our Representatives in the State Legislature be requested to send Commissioners to Washington to meet the Commissioners from other States on the 4th day of February next, to consult together and make a settlement of present troubles.

On motion of Col. Smith Miller, the resolutions were read and adopted.

N. B. Risinger stated that, as the resolutions of a convention held here on the 17th, had been published extensively with his name and the names of other Democrats attached, without it being stated that they had seceded from that Convention and repudiated its acts—he now moved that the following resolution be adopted:

Resolved, That the so-called Union meeting, held in Princeton on the 17th day of the present month, did not reflect the true sentiments of the Democracy or Union men of Gibson county upon the present political troubles, and that they did then, and do now, repudiate the action of that meeting.

The resolution was adopted unanimously.

A resolution was then adopted requesting the State Sentinel and the Southern Indianian to publish the proceedings, and that a copy be sent to our Representatives and Senators in Congress, and to our Representative and Senator in the State Legislature.

On motion, the Convention adjourned *sine die*.

JOHN HARGROVE, Pres't.

N. B. RISINGER, Sec'y.

Referred to committee of thirteen.

The Speaker laid before the House the following communication:

INDIANAPOLIS, Ind., Feb. 11, 1861.

HON. IRA GROVER:

Dear Sir—I deem it my duty to communicate to you, as Chairman of the Committee on Education, the reasons why I do not to-day enter upon my labors as Superintendent of Public Instruction, as required by the law, and by my commission.

Mr. Rugg, the present incumbent, refuses to give possession, claiming that the Constitution makes the term of the Superintendent two years, and that having taken the office on the second Monday of February, 1859, which was on the 14th day of the month, his time will not expire until the 14th of February, 1861, some four days after the time at which I am called upon to assume the duties of Superintendent.

If you think it proper you can present this communication to the House of Representatives, as a reason for my apparent dereliction of duty.

Very respectfully,

MILES J. FLETCHER.

Which,

On motion,

Was referred to the Committee on Judiciary.

On motion by Mr. Goar,

Resolved, That the Committee on Rights and Privileges be requested to inquire into the expediency of providing by law a suitable building

for the reformation of inebriates, and that the money paid for license to retail spirituous liquors to be set apart for that purpose.

Mr. Brett offered the following resolution:

Resolved, That the Speaker appoint a select committee of four, with power to send for persons and papers, whose duty it shall be to inquire:

1st, Into the condition of the land office of the Trustees of the Wabash and Erie Canal, at the city of Terre Haute.

2d, The quantity and price of all canal lands sold by the said Trustees during the last two years, and the disposition made by them of the proceeds of such sales.

3d, Whether the said Trustees have transferred, or otherwise encumbered any canal lands, and if so, how much, with intent to hinder, delay, or defraud any of their creditors, who are citizens of this State.

4th, Whether the injunction granted by the Circuit Court of the United States was not fraudulently obtained, and with the connivance and consent of said Trustees, or some of them—with leave to report at any time.

Mr. Nebeker moved to refer to the Committee on Judiciary.
Which was not agreed to.

The question recurring on the adoption of the resolution,
It was agreed to.

Mr. Haworth offered the following resolution:

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of reporting a bill changing the time of electing township assessors from the October election to the April election.

Which,
On motion,
Was adopted.

On motion by Mr. Burgess,

Resolved, That the Committee on Education be requested to inquire into the expediency of so amending section 105 of the school law so as to give the school meeting power to fill all vacancies in the office of school director.

On motion by Mr. Sloan,

Resolved, That the Committee on County and Township Business be requested to inquire into the expediency of abolishing the office of township assessor, and to require the duties now performed by assessors to be hereafter performed by the township trustees, and that the enumeration of children attending common schools shall be made at the same time that property is listed for taxation.

Mr. Holcomb presented the following proceedings of a Union Meeting:

UNION MEETING IN GIBSON COUNTY.

Pursuant to previous notice, the people of White River Township met at Patoka for the purpose of giving an expression of their fidelity to the Union, and also to express their opinion in regard to any just and honorable compromise for the settlement of the difficulties which now distract the country.

On motion, J. C. Fisher was called to the Chair, and J. D. Nixon appointed Secretary.

On motion, the Chair appointed Abraham Bruner, William A. Downey and B. F. Milburn, a committee on resolutions.

On motion, adjourned till Monday evening, when the citizens met and unanimously adopted the resolutions reported by the committee, viz:

WHEREAS, At this stage of the present critical condition of the Union of States, a bold expression of opinion from conservative and Union-loving men, may have a good influence in the encouraging and cheering the hearts of those patriotic statesmen who are now trying with their utmost abilities to stay the tide of dissolution and disruption, we, the people of White River Township, declare the following to be an expression of our sentiments:

Resolved, That we implore and beseech the extremists of both sections, North and South, to pause, consider and reflect, before they proceed further, in all good conscience, be just to the South. We admonish you to observe the Constitution and its compacts, repeal what is called your liberty laws, see that the Constitution and laws of the Federal Government are faithfully executed and strictly enforced, that the rights of all sections be presented and respected, and the equality of the States maintained to the South. We give admonition that you be likewise faithful, and respect the Constitution and laws of the Federal Government, and in justice to the Border States, we say, remain in the Union.

Resolved, That since we unfeignedly love the Union and the Con-
H. J.—25.

stitution, we deeply deplore the existing causes which threaten dissolution of the one, and distraction of the other.

Resolved, That since our present troubles result from sectional parties which have presumed to advocate and teach the people doctrines and principles at war with the perpetuity and interests of the General Government, it is important that there be some speedy settlement effected, and that the same be made permanent and inviolate by being engrafted in the Constitution of these United State.

Resolved, That for this end we heartily endorse the Crittenden resolutions or any other just and honorable compromise, that will restore peace and harmony to a distracted country.

Resolved, That the Southern Indiana Clarion, and State Sentinel, be requested to publish the above resolutions, and that a copy be transmitted to our Representatives in Congress and State Legislature.

J. C. FISHER, *Chairman*.

J. D. NIXON, *Secretary*.

Referred to the Committee of Thirteen.

On motion by Mr. Owens,

Resolved, That the Committee on the Organization of Courts be instructed to inquire into the propriety of enacting a law making it the duty of non-resident parties bringing suit in any of the Courts of the State of Indiana, to pay into the county treasury five dollars, to be applied in sustaining the Courts of Justice, and that said committee report by bill or otherwise.

By Mr. Roberts,

House bill No. 206. A bill supplemental to article 9 of an act, entitled "an act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to provide for the hearing of motions in attachment in certain cases, and to provide for the compensation of judges hearing the same, and prescribing the duties of clerks and sheriffs herein.

Was read a first time and passed to a second reading.

By Mr. Grover,

House bill No. 207. A bill to amend section one hundred and

fifty-six of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a first time, and passed to a second reading.

By Mr. Knowlton,

House bill No. 208. A bill to amend section 26 of an act, entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

Was read a first time and passed to a second reading.

By Mr. Nebeker,

House bill No. 209. A bill to amend the ninth section of an act, entitled "an act to amend an act to authorize and regulate the business of general banking," passed the House of Representatives and the Senate March 3, 1855, the Governor's objection thereto to the contrary notwithstanding, and making disposition of certain monies arising from the sale of stocks deposited to secure the redemption of the circulating notes of banking associations organized under the general banking law of this State, and providing for the redemption of the notes.

Was read a first time, and passed to a second reading.

By Mr. Campbell,

House bill No. 210. A bill to abolish the death penalty, and providing for imprisonment for life in all cases where, under existing laws, death may be inflicted, as the punishment for any crime.

Was read a first time, and passed to a second reading.

By Mr. Gifford,

House bill No. 211. A bill to authorize the Superintendents or other persons having charge of county asylums for the poor to discharge inmates from the same, and to apprentice minors put under their care.

Which was read a first time and passed to a second reading.

By Mr. Woods,

House bill No. 212. A bill to amend the third clause of section one hundred and twenty-three and section one hundred and thirty-six.

and to repeal sections one hundred and thirty-eight, one hundred and thirty-nine and one hundred and forty of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Which was read a first time and passed to a second reading.

By Mr. Henricks,

House bill No. 213. A bill entitled an act defining certain felonies and prescribing punishment therefor.

Which was read a first time and passed to a second reading.

By Mr. Hurd,

House bill No. 214. A bill regulating marriages, prescribing who may issue license to marry, and the form thereof, to whom license may issue, and the mode of recording the same; also prescribing the legal effect of such license, and providing compensation therefor, and penalties for the violation of the law.

Which was read a first time and passed to a second reading.

Mr. Holcomb moved to suspend the order of business, and take up House bill No. 25.

Which was not agreed to.

By Mr. Gifford,

House bill No. 115. A bill to regulate the practice of medicine and surgery.

Which was read a first time and passed to a second reading.

By Mr. Bingham,

House bill No. 216. A bill to amend section seven of an act entitled "an act to provide for the election of a reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter," approved February 5, 1852.

Which was read a first time and passed to a second reading.

Mr. Frasier moved to take up House bill No. 66. A bill to amend section four hundred and seventy-six of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms of action at law, and to provide for the administration of justice in a

uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read, when

Mr. Parrett moved to lay the bill on the table,
Which was agreed to.

The Speaker announced the following as the committee, under the resolution of Mr. Brett, to investigate the affairs of the Wabash and Erie Canal :

Messrs. Brett, McLean, Grover, Bingham and Holcomb.

Senate bill No. 11. A bill to amend section one hundred and fifty one of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a second time, and,

On motion,
Referred to the Judiciary Committee.

Mr. Fisher moved to take up messages from the Senate :
Which was agreed to.

A message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 7. A bill supplemental to an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

In which the concurrence of the House is respectfully requested.

Which was read a first time and passed to a second reading.

Message from the Senate, by Mr. Tyner their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 5. A bill to amend section two hundred and thirty-eight of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

Senate bill No. 19. A bill to amend the third section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a second time and passed to a second reading.

Senate bill No. 24. A bill to amend the sixth section of an act, entitled "an act for the encouragement of agriculture," approved February 17, 1852.

Which was read a first time and passed to a second reading.

Senate bill No. 29. A bill to amend section fourteen of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

Which was read a first time and passed to a second reading.

Senate bill No. 12. A bill to amend the sixteenth section of an act, entitled "an act touching the relations of guardian and ward," approved June 9, 1852.

Which was read a first time and passed to a second reading.

In which the concurrence of the House is respectfully requested.

On motion by Mr. Burgess,

The House adjourned till to-morrow morning, at 9 o'clock.

TUESDAY MORNING, 9 O'CLOCK, }
February 12, 1861. }

The House met.

On motion by Mr. Orr,

The reading of the journal was dispensed with.

The Speaker laid before the House the following communication :

OFFICE INDIANAPOLIS AND CINCINNATI R. R. Co., }
Indianapolis, February 12, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives :

SIR:—You will please extend a cordial invitation from this Company to the members of the Body over which you preside, to make a free trip from Indianapolis to Cincinnati, on this day, and return on to-morrow, the 13th inst. The train will leave the Union Depot in this city, at 12 o'clock M., and returning, leave Cincinnati at 6 o'clock A. M., 2 o'clock P. M., or 7.30 P. M., as may suit the convenience of members. Return passes will be delivered on the train, which will entitle the holder to return at either of the hours designated.

Respectfully,

H. C. LORD, *President.*

Mr. Frasier moved that the invitation be accepted.

Mr. McLean offered the following as a substitute for the motion of Mr. Frasier :

Resolved, That the House return its thanks to the proprietors of the Indianapolis and Cincinnati Railroad, and respectfully decline the same.

Mr. Nebeker moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

Which was agreed to.

The question being on the adoption of the substitute offered by Mr. McLean to the motion made by Mr. Frasier,

It was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Robbins presented the following petition:

A petition praying the Legislature to instruct the Senators, and request the Representatives in Congress, to use their influence to adopt the Crittenden compromise, or some similar measure, to give peace to the country.

REPORTS FROM STANDING COMMITTEES.

Mr. Ragan, from the Committee on Elections, made the following report:

MR. SPEAKER:

Your Committee on Elections, to whom was referred House bill No. 110, introduced by Mr. Dobbins, entitled "an act to amend the fourth section of an act in relation to special elections, have carefully considered the subject, and are of opinion that further legislation is inexpedient, and recommend that said bill lie on the table.

The report was concurred in, and the bill laid on the table.

Mr. Ragan, Chairman of the Committee on Elections, made the following report:

MR. SPEAKER:

The Committee on Elections, to whom was referred House bill No. 90, introduced by Mr. Turner, also House bill No. 125, introduced by Mr. Kendrick, together with amendments thereto by Mr. Parrett, entitled "acts to provide for a general system of registry of voters, and for the prevention of illegal voting, report that they have had the subject under consideration, and are of opinion that a registry law is not only inexpedient, but doubtless unconstitutional.

On the subject of illegal voting and punishment therefor, they are of opinion that the law of 1857 is sufficiently stringent for all practical purposes, and that any further legislation on the subject is inex-

pedient. Your Committee would therefore recommend that they be indefinitely postponed.

Which was read and recommitted to the Committee on the Judiciary.

Mr. Randall, from the Committee on roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 70, (introduced by Mr. Packard,) a bill supplemental to section one of an act providing for the election or appointment of supervisors of highways, &c., have had the same under consideration, and instruct me to report the same back, with the recommendation that it would be inexpedient to pass said bill.

Which was concurred in.

BILLS INTRODUCED.

By Mr. Grover,

House bill No. 217. A bill supplemental to an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Which was read a first time, and passed to a second reading.

By Mr. Jones, of Wayne,

House bill No. 218. A bill to legalize the incorporation of towns, under an act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof. Whereas, the above entitled act forming a part of the Revised Statute of 1852, in consequence of unexpected delay in the distribution thereof, did not go into force and become the law until the 6th day of May, 1853; and whereas, before said day in sundry of the counties of the State, when said Revised Statutes had been delivered, towns were incorporated, and by-laws adopted, and rules and regulations established, and other proceedings had, upon the supposition and under the belief that said act was in force; and whereas, many acts have been done by such towns then incorporated which were supposed to be legal, but which have since been discovered not to be.

Which was read a first time and passed to a second reading.

By Mr. Roberts,

House bill No. 219. A bill to amend section first of an act entitled an act to amend section three of an act entitled "an act for the regulation of weights and measures," approved June 9, 1852, approved February 28, 1855.

Which was read a first time and passed to a second reading.

By Mr. Mutz,

House bill No. 220. A bill to amend section seventeen of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

Which was read a first time and passed to a second reading.

By Mr. Jenkinson,

House bill No. 221. A bill to extend the powers and duties of notary publics.

Which was read a first time and passed to a second reading.

By Mr. Williams,

House bill No. 222. A bill entitled "an act to provide for the organization of life insurance companies."

Which was read a first time and passed to a second reading.

By Mr. Kendrick,

House bill No. 223. A bill authorizing any person, when necessary, to enter upon land of another and cut a ditch, and providing for the assessment of damages occasioned thereby.

Which was read a first time and passed to a second reading.

By Mr. Heffren,

House bill No. 224. A bill to provide for the indexing of documents in the office of Secretary of State, and appropriating therefor.

Which was read a first time and passed to a second reading.

By Mr. Parrett,

House bill No. 225. A bill to provide for notice to defendants in certain cases, and supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties, approved June 9, 1852.

Which was read a first time and passed to a second reading.

By Mr. Lee,

House bill No. 226. A bill to amend section ten of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Court of Common Pleas returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith."

Which was read a first time and passed to a second reading.

By Mr. Veatch,

House bill No. 227. A bill supplemental to an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By unanimous consent,

On motion by Mr. Cameron,

Resolved, That the House adjourn until 11.30, for the purpose of witnessing Mr. Lincoln and suite make their departure for Cincinnati.

11 O'CLOCK 30 MIN., A. M.

The House met pursuant to adjournment.

On motion by Mr. Orr,
The following message from the Governor was taken up.

A message from the Governor, by Mr. Holloway, his Private Secretary :

EXECUTIVE DEPARTMENT, }
Indianapolis, Jan. 31, 1861. }

To the House of Representatives :

On the 17th day of February, 1859, the Legislature, by a joint resolution, raised a committee to examine and report on the accounts, vouchers and assets connected with the office of the Agent of State in the city of New York. On the 21st of the same month the committee appointed John H. Rea, Esq., a Commissioner to make such examination and report. Mr. Rea has made and submitted to me his report, which, with the accompanying documents, is herewith transmitted and laid before your honorable body.

OLIVER P. MORTON, *Governor.*

Mr. Orr moved to refer the documents mentioned in the foregoing message to the Committee on Public Expenditures.

Which was agreed to.

On motion by Mr. Fisher,
The following message from the Senate was taken up.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following joint resolutions of the Senate, in which the concurrence of the House is respectfully requested.

Senate joint resolution No. 8. A joint resolution instructing our Senators, and requesting our Representatives in Congress, to use their influence to secure the passage of a homestead bill.

In which the concurrence of the House is respectfully requested.

Senate joint resolution No. 8, mentioned in the foregoing message, was read, and the question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Brueker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frazier, Gifford, Gore, Hall, Harvey, Haworth, Henrieks, Holcomb, Hudson, Jenkinson, Jones of Wayne, Kendrick, Lane, Lee, McClurg, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Polk, Prosser, Ra-

gan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker.—69.

Those who voted in the negative were,

Messrs. Fleming, Kitchen, Lods, and Stevenson.—4.

So the resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following joint resolutions thereof, to-wit :

Senate joint resolution No. 5. A joint resolution proposing an amendment to section second, of article second of the Constitution, so as to guard against fraudulent voting ; also,

Senate joint resolution No. 12. A joint resolution, proposing an amendment to the twenty-third section of article 4, of the Constitution, so as to provide laws enabling cities, townships and towns to raise money for the support of schools.

Senate joint resolution, No. 6. A joint resolution, proposing an amendment to article eight of the Constitution, so as to enable cities, townships and towns to levy taxes for the support of common schools ; also,

House joint resolution, No. 8. A joint resolution, instructing and requesting our representatives in Congress, to so legislate as will give to each actual settler on public lands, 160 acres of land ; with the following engrossed amendment of the Senate, thereto :

Insert the word "white" before the word "settler."

In which engrossed amendment, the concurrence of the House is respectfully requested.

On motion by Mr. Dobbins,
The joint resolution No. 8, was laid on the table.

Senate joint resolutions No. 6, and 12.

On motion,
Referred to the Committee on Education.

Senate joint resolution No. 5.

On motion,
Referred to the Committee on the Judiciary.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 77. A bill to amend the 33d section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 79. A bill to amend section four of an act entitled "an act to provide for the protection of wild game; defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act."

In which the concurrence of the House of Representatives, is respectfully requested.

Senate bills No. 77 and 79, enclosed in the foregoing message, were read a first time and passed to a second reading.

A message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 16. A bill requiring township assessors to ascertain the number of sheep killed and injured by dogs.

Senate bill No. 18. A bill to amend the 315th section of an act entitled "an act to revise, simplify, and abridge the rules, practice,

pleadings and forms in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 26. A bill supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site, and a house to be used as a court house, and where a deed has been executed; to provide also, for the transfer of any equitable title for the termination of actions growing out of such re-location; and for the transfer of the former county property," approved December 22, 1858, so as to legalize and confirm the action of Boards of Commissioners, in cases where public property has been conveyed under the provisions of such act; and to provide for the conveyance of the Asylum for the Poor, in certain cases; and to provide also, that the Trustees created under the act to which this is supplemental, shall constitute bodies politic and corporate.

Senate bill No. 44. A bill to make the register, catalogue, tract book, plot book, and description of lands kept in the land office of the United States, and in the Canal and Michigan Road land offices, and copies thereof, *prima facie* evidence of the truth of their contents.

Senate bill No. 49. A bill to provide for struck juries in the Circuit and Common Pleas Courts.

Senate bill No. 56. A bill to amend section ten of an "act to amend the first section of an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained," approved March 5th, 1859.

In which, the concurrence of the House is respectfully requested.

Senate bills No. 16, 18, 26, 44, 49, and 56, enclosed in the foregoing message, were read a first time, and passed to a second reading.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 120. A bill to amend the first section of an act entitled "an act concerning interest on money," approved May 27, 1852.

Was read a second time, and,

On motion,

The bill was laid on the table.

No. 145. A bill to amend the thirty-third section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, and referred to the Committee of Ways and Means.

No. 147. A bill to amend section sixty-eight of "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, empowering the common council, when the vote of two-thirds of its members, to improve streets and alleys without petition, upon notice, unless two-thirds of the property holders shall remonstrate.

Was read a second time, and,

On motion,

Was referred to the Committee on Corporations.

No. 148. A bill limiting the time within which prosecutions for crimes and misdemeanors must be commenced, and repealing all laws inconsistent therewith;

Which Mr. McLean moved to amend as follows:

By inserting three years as the statute of limitation, in place of five years.

Which,

On motion,

Was, with the bill, referred to Committee on Rights and Privileges.

No. 149. A bill providing for the election of a Surveyor-General for the State of Indiana, and prescribing certain duties.

Was read a second time, when

Mr. Frazier moved that the bill be laid on the table, and that two hundred copies thereof be printed.

Mr. Fisher called for a division of the question.

The question being on the motion to print,

It was not agreed to.

Mr. Frazier, by consent, withdrew the motion to lay on the table.

On motion,

The bill was then referred to the Committee on County and Township Business.

No. 150. A bill providing for the election of county surveyors, prescribing their duties and fees, and providing for appeals.

Was read a second time, when

Mr. Knowlton offered the following amendment :

Amend by making it the duty of county surveyors to serve all notices for the re-survey or re-location of all roads ordered by the county board, and giving him the power to fix the day upon which all surveys are to be made.

The bill, with pending amendment, was referred to the Committee on County and Township Business.

No. 151. A bill to create the fourteenth judicial circuit.

Was read a second time and referred to the Committee on the Organization of Courts.

No. 153. A bill to re-establish the second judicial circuit, and to fix the time and length of terms of the courts therein.

On motion,

The bill was referred to the Committee on the Organization of Courts.

No. 154. A bill to amend an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Was read a second time, and,

On motion,

Was referred to the Committee on Judiciary.

No. 155. A bill fixing the time for holding the Circuit Courts in the 13th judicial circuit, regulating the length of the terms thereof, and repealing all laws inconsistent therewith.

Was read a second time, and

On motion,

Referred to the Committee on the Organization of Courts.

No. 156. A bill providing for the salaries and fees of attorneys
H. J.—26.

of the Common Pleas Courts, also providing for the collection of such fees, and repealing all former laws relating thereto.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 157. A bill to repeal so much of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852, as to authorize holding district and State Boards of equalization.

Was read a second time and referred to the Committee on Rights and Privileges.

The Speaker, at one o'clock P. M., declared the House adjourned till to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
February 13, 1861.

The House met.

On motion by Mr. Davis,

The reading of the Journal was dispensed with.

Mr. Woodruff obtained leave of absence, on account of sickness.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Jenkinson,

A petition from sundry citizens of the State, asking legislation for the protection of sheep from sheep-killing dogs.

Was read and referred to the Committee on Agriculture.

By Mr. Jenkinson,

A petition asking legislation for the protection of sheep from sheep-killing dogs.

Was read and referred to the Committee on Agriculture.

By Mr. Bingham,

A petition for a change in the road laws, so as to make parties liable for costs who petition for a road which has previously been reported against, as being not of public utility.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Kendrick,

A petition asking for the re-organization of the State Board of Agriculture.

Which,

On motion,

Was referred to the Committee on Agriculture.

By Mr. Kendrick,

A petition from J. N. Ray, asking an investigation into the management of the Indiana State Agricultural Society, with reference to corruption, extravagance and inefficiency.

Was read and referred to the Committee on Agriculture.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 90, being "a bill to provide for the registering of voters, to prevent corruption at elections, and to define what is the residence of a voter," have had the same under consideration, and have instructed me to report that so much of the bill as requires a voter to reside and have his domicile in the township *thirty* days previous to offering his ballot, conflicts with section 2 of article 2 of the Constitution of the State of Indiana. The qualifications in the Constitution for a voter, are merely that the person offering to vote shall be "a white male citizen," over the age of twenty-one years, and that he be a resident of the State for six months *immediately* preceding the election, and that he shall vote in "the township or precinct where he may *reside*."

The term "residence" was well understood, and had a definite meaning at the time of the adoption of the Constitution. It requires not length of time, but fixedness of habitation, to constitute a residence; and to say that a voter shall reside in the township *thirty*

days before offering his vote, is super-adding a qualification not required by the Constitution, and the Legislature might as well say the voter should be *twenty-five* years of age, when the Constitution declares he need only be *twenty-one* years old.

The Committee are desirous of protecting the ballot box from fraud, by every legal and constitutional means, and to that end would make the most stringent laws punishing persons who voted, or offered to vote at elections, without the qualifications of *age* and *residence* required by the Constitution; but without saying that a registry law, such as is provided for in the bill, would be unconstitutional, they are of the opinion the law at this time would be inexpedient and unnecessary. The population of our State is not sufficiently dense, nor have we cities sufficiently large, to require the enactment of such a law. Before the time arrives, however, when such a law shall be required, it is to be hoped that the constitution will be so changed that all objection to its constitutionality shall be removed. The Committee recommend the indefinite postponement of the bill.

Which,

On motion,

Was concurred in, and the bill indefinitely postponed.

Mr. Cason, from the Judiciary Committee, made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 154, being an act to amend an act, entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852, have had the same under consideration, and instruct me to report said bill back to the House and recommend its passage.

Which was read, and the bill ordered to be engrossed.

BILLS INTRODUCED.

By Mr. Kendrick.

House bill No. 228. A bill relative to the salaries and compensation of the district attorneys of the several Common Pleas Districts, from the fifth day of March A. D. 1859, to the twenty-fifth day of October, A. D. 1860, and prescribing the manner in which said claims shall be presented to the Auditor of State, and his proceedings thereon.

Which was read a first time and passed to a second reading.

By Mr. Brett,

House bill No. 229. A bill to provide for the redemption of real estate in certain cases, within two years from the sale thereof, either by the judgment debtor, or any bona fide creditor of such debtor. . . .
Was read a first time and passed to a second reading.

On motion by Mr. Parrett,

House bill No. 15 was taken up.

Mr. Bundy offered the following amendment:

Add at the end of the first section the following: "To organize churches, conferences, and religious societies."

On motion,

The bill, with amendment, was referred to the Committee on Corporations.

By Mr. Collins, of Whitley,

House bill No. 230. A bill to amend an act, entitled "an act to amend the first section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852," approved March 5, 1859.

Was read a first time, and passed to a second reading.

By Mr. Jones, of Tippecanoe.

House bill No. 231. A bill prescribing certain duties of the prosecuting and district attorneys, and providing compensation therefor.
Was read a first time and passed to a second reading.

By Mr. Brucker,

House bill No. 232. A bill to amend part 6, of section 6, of an act, entitled "an act providing for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessor, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

Was read a first time, and passed to a second reading.

By Mr. Jones, of Vermillion,

House bill No. 233. A bill to regulate the docketing and disposal of the business in the Courts of Common Pleas throughout the State of Indiana, to provide for the return of the jury in the aforesaid Courts on the first day of each term thereof, and to repeal all acts and parts of acts now in force, which conflict with the provisions of this act.

was read a first time, and passed to a second reading.

By Mr. Atkinson,

House bill No. 234. A bill to amend section six of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of the State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time, and passed to a second reading.

By Mr. Branham,

House bill No. 235. An act concerning some provisions respecting the Sinking Fund and its management and control, and some provisions respecting the stocks and means belonging to the same, and requiring the officers of said fund to account for the interest that shall accrue on deposits made of said fund, and how and for what purpose said deposit may be made and secured.

Which was read a first time, and passed to a second reading.

By Mr. Jones, of Tippecanoe,

House bill No. 236. A bill authorizing Judges of Circuit and Common Pleas Courts to hear and determine demurrers, motions, and applications for the production of books and papers, and the appointment of receivers in vacation.

Which was read a first time, and passed to a second reading.

Mr. Jenkinson, by unanimous consent of the House, presented the following communication from the Superintendent of Public Instruction :

STATE OF INDIANA: }

DEPARTMENT OF PUBLIC INSTRUCTION, OFFICE OF SUPERINTENDENT, }

Indianapolis, February 12, 1861. }

To the House of Representatives of the State of Indiana:

GENTLEMEN—This morning, upon looking over your proceedings of

yesterday, I saw that a communication had been presented by the Speaker from the Superintendent of Public Instruction elect, setting forth that the present incumbent refused to give him possession, &c., which I understand to refer to me.

I was commissioned to serve in that office two years from the second Monday in February, 1859, and that second Monday arrived on the 14th day of February of that year, and the term of two years from that day is not completed until February 13, 1861.

On the 11th day of February, instant, Mr. Fletcher, the Superintendent elect, came into the office and exhibited to me his commission, which purports to authorize him to serve in the office two years from the second Monday in February, 1861, which in the present year occurred on the 11th day of the month. He remarked to me that he had been talking with his friends on the subject, and they advised that he should assume the office on that day. To this I replied that I concurred in that advice, and advised him to assume the business of the office at once. I placed him as fully in possession of the office and its effects as the same had ever been in my possession. I left the keys of the cases in their locks, and the key to the door in possession of his clerk, who was then present with him; all of which appeared to be acquiesced in and approved by Mr. Fletcher, who did not express the least objection in my hearing. I was surprised at seeing this morning a notice of his communication to the House on this subject.

His commission, it is true, laps on mine a few days, but I have, in mentioning the subject, always expressed a willingness to waive the question in his favor.

With much respect,

SAMUEL L. RUGG.

Which was read and referred to the Committee on Judiciary.

On motion by Mr. Parrett,

Mr. Anderson was added to the Committee on Agriculture.

ORDERS OF THE DAY.

Bills on Second Reading.

No. 158. A bill to amend the seventh section of an act entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855.

Was read a second time, and,

On motion,

Referred to Committee on County and Township Business.

No. 159. A bill declaring it to be a misdemeanor to leave open

gates, or let down fences, or destroy cattle-guards along the lines of railroads, and providing the penalty therefor.

Which was read a second time, and ordered to be engrossed.

No. 160. A bill to amend section one of an act entitled "an act prescribing certain misdemeanors punishable only by a justice of the peace," approved June 7, 1852.

Which was read a second time, and ordered to be engrossed.

No. 161. A bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding, and disbursing the public moneys of the State, and for the safe keeping of public money," passed March 1, 1859.

Which was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 162. A bill to amend the one hundred and seventh section, as amended and approved March 5, 1859, of an act entitled "an act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and repealing all laws and parts of laws coming in conflict with this act.

Which was read a second time, and,

On motion,

Referred to the Committee on Education.

No. 163. A bill to amend the first section of "an act concerning interest on money."

Which was read a second time.

Mr. Underwood offered the following amendment:

Amend so as to strike out all in reference to ten per cent. on contract.

On motion by Mr. Holcomb,

The bill and pending amendment were laid on the table.

No. 164. A bill to authorize the Auditor of State to loan the fund derived from estates without heirs.

Which was read a second time, and referred to the Committee on Ways and Means.

No. 165. A bill to amend section three of an act entitled "an act

to fix the times of holding the Common Pleas Courts in the several counties of the State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a second time, and referred to the Committee on the Organization of Courts.

No. 166. A bill in relation to dogs, and all matters connected therewith.

Which was read a second time, and

Mr. Frasier moved to amend the bill as follows :

"All dogs are hereby abolished, except lap-dogs, rat-terriers and poodles."

Mr. Bundy moved to lay the amendment on the table.

Which was agreed to.

Mr. Bundy moved the previous question,

Which was seconded.

The question being, shall the main question be now put.

Which was agreed to.

The question being on ordering the bill to be engrossed,

Messrs. Stotsenburg and Bundy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Bundy, Cameron, Cason, Collins of Whitley, Coopridier, Dashiell, Erwin, Fordyce, Harvey, Henrieks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Knowlton, Lee, McClurg, McLean, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Roberts, Trier, Thomas, Turner and Williams,—39.

Those who voted in the negative were,

Messrs. Atkison, Brucker, Bryan, Burgess, Campbell, Collins of Adams, Combs, Davis, Dobbins, Edson, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fraley, Frasier, Gifford, Goar, Haworth, Hayes, Holcomb, Howard, Jones of Vermillion, Kitchen, Lods, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thompson, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—49.

So the motion did not prevail.

On motion by Mr. Polk,
The bill was referred to the Committee on Agriculture.

No. 167. A bill concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property or perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith.

Which was read a second time, and referred to the Committee on Judiciary.

No. 168. A bill authorizing suits for alimony, or the disposition of property in certain cases.

Which was read a second time, and,

On motion,
Referred to the Committee on Judiciary.

No. 169. A bill to provide for changing the venue in civil actions, and for the appointment of another Judge to preside when the Judge of the Court in which the action is pending is incompetent, and to repeal all other laws on the same subject.

Which was read a second time, and referred to the Committee on Judiciary.

No. 170. A bill to authorize the Board of Commissioners of the several counties of this State to procure and preserve the history of said counties, and to pay the expense thereof.

Was read a second time, and,

On motion,
Referred to the Committee on County and Township Business.

No. 171. A bill to amend the fifteenth section of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852.

Was read a second time, and,

On motion,
Referred to the Committee on Rights and Privileges.

No. 172. A bill to amend the first and second sections of an act entitled "an act prescribing the number, and defining the powers and duties of constables," approved May 27, 1852.

Was read a second time, and,

On motion,
Referred to the Committee on Judiciary.

No. 173. A bill supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, so as to provide for the re-location of county seats, and for the erection and preservation of county buildings when two thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House and where a deed has been executed, to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property," approved December 22, 1858, so as to provide for the re-location of county-seats in counties where no Court House has been erected, which have been formed out of the territory of another county, and for the transfer of county offices, books, &c.

Was read a second time,

Mr. Sherman offered the following amendment:

Amend by providing that the provisions of this act shall apply to all cases now pending in Courts, by petitioners complying with sections first and fourth of this supplemental act.

On motion,

The bill and amendments were referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

Mr. Frasier moved to suspend the rules, and read House bill No. 174 a second time by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs Atkinson, Bingham, Black, Branham, Brett, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Coopridger, Dashiell, Davis, Dobbins, Fisher, Ford, Fordyce, Frasier, Gifford, Hall, Harvey, Hayes, Holcomb, Howard, Jones of Vermillion, Jones of Wayne, Knowlton, Lods, Lee, McLean, Moorman, Moss, Mutz, Owens, Pitts, Polk, Randall, Robbins, Sherman, Smith of Bartholomew, Stevenson, Veatch, Warrum, Wilson Woodhull, Woods and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Campbell, Collins of Adams, Combs, Crain, Epperson, Feagler, Fleming, Fraley, Goar, Haworth, Henricks, Hopkins, Horton, Hudson, Hurd, Kendrick, Kitchen, Lane, McClurg, Nebeker, Newman, Orr, Packard, Parrett, Prosser, Prow, Sloan,

Smith of Miami, Stotsenburg, Trier, Thompson, Turner, Underwood, Wells, and Williams—37.

So the rule was not suspended.

No. 194. A bill authorizing the organization of Insurance Companies in the State of Indiana.

Was read a second time and referred to the Committee on the Judiciary.

Mr. Atkinson obtained leave of absence till Friday next.

No. 175. A bill to authorize the killing of dogs that are found wandering away from their owners; to provide for the licensing of dogs within cities and towns, and to make allowance out of the county treasury to the owners of sheep that have been killed by dogs, and prescribing the duty of township assessors in certain cases.

Was read a second time and referred to the Committee on Agriculture.

No. 176. A bill to license dogs, and providing for the payment of damages sustained in maintaining or killing of sheep by dogs.

Was read a second time.

Mr. Robbins offered the following amendment:

Amend by striking out the words "female dog," and insert instead thereof the word "dogess."

On motion,

The amendment was laid on the table.

Mr. Black offered the following proviso:

Provided, That all hounds shall be exempt from the provisions of this law.

Mr. Smith, of Bartholomew, offered the following:

Amend by excepting rat terriers and pointers.

On motion,

The bill and pending amendments were referred to the Committee on Agriculture.

No. 177. A bill to regulate the remission of fines and forfeitures, and to regulate all laws conflicting with the provisions of this act.

Mr. Fisher moved to amend as follows:

Add a section as follows: Section —. In all applications for the remission of fines or forfeitures, application shall be first made to the Circuit or Common Pleas Judge, before whom, or in whose Court, the fine or forfeiture shall be submitted upon the recommendation of such judge, and not otherwise: *Provided*, That it is hereby made the duty of the prosecuting attorney, (if before the Circuit Court,) or of the district attorney (if before the Common Pleas Court,) without extra fees, to attend and defend the interests of the State.

Further amend by making the residue of the bill conform to this section.

On motion,

The bill, with pending amendments, was referred to the Committee on the Judiciary.

No. 178. A bill to amend sections two, three and fourteen of "an act to amend an act, entitled an act repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1859.

Was read a second time.

Mr. Hall offered to amend by striking out section two and inserting the following:

SEC. 2. The officers of said city shall consist of a mayor, two councilmen from each ward, a city clerk, assessor, treasurer, engineer, street commissioner, and if the common council deem it expedient for the best interests of the city, a city attorney and city judge, provided the common council may dispense with the street commissioner and require the marshal to perform his duties. All such officers elected at any special election shall hold their offices until the next general election, on the first Tuesday in May, and until their successors shall be elected and qualified. After the first general election said officers shall respectively hold their offices for two years each. Provided, further, the councilmen shall be chosen by the voters of their respective wards, and one councilman from each ward, to be determined by lot at the first regular meeting after the election, shall hold his office for one year, and the other to be determined in like manner, shall hold his office for two years, and annually thereafter one councilman shall be elected by the legal voters of each ward, and all of said officers shall hold their respective offices during their respective

terms, and until their successors are elected and qualified. The clerk, assessor, treasurer, and marshal, with the consent of the common council may appoint deputies when necessary.

On motion,

The bill, with the pending amendment, was referred to the Committee on Corporations.

No. 179. A bill regarding estrays and articles adrift, and repealing all laws conflicting with the provisions of this act.

Which was read a second time.

Mr. Owens offered the following amendment:

Amend by striking out the words county clerk wherever it occurs, and insert county auditor.

On motion,

The bill and amendment were referred to the Committee on Rights and Privileges.

No. 180. A bill to amend the thirteenth section of an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any Circuit, Probate, Commissioners' or other inferior courts of record therein, or filed with, or in the legal custody of any office of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians, have been destroyed, approved January 12, 1852.

Was read a second time, and referred to the Committee on County and Township Business.

No. 181. A bill to amend the seventieth section of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in certain cases," approved June 9, 1852, and repealing all laws conflicting therewith.

Was read a second time, and referred to the Committee on the Judiciary.

No. 182. A bill to amend sections one and three of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.

Was read a second time.

Mr. Frasier offered the following :

Amend so as to make the salaries of all the State officers below the Governor, \$2500 each.

Mr. Black offered the following further amendment :

And the same shall be in full for all services rendered as such officers, and all laws allowing other payment, be and the same are hereby repealed.

On motion,

The bill and pending amendments were referred to the Committee on the Judiciary.

No. 183. A bill to create the Seventeenth Judicial Circuit of the State of Indiana, and to provide for the election of a judge thereof, to fix the time for holding the Courts therein, to provide for the appointment and election of a prosecuting attorney in the Tenth Judicial Circuit, and repealing all laws inconsistent with the provisions thereof, and de claring an emergency for the immediate taking effect of this act.

Was read a second time and referred to the Committee on the Organization of Courts.

No. 184. A bill providing jurisdiction of the Circuit and Common Pleas Courts in cases of forfeited recognizance, and providing for service of process, and making the recognizance a lien on all the real estate of the parties signing the recognizance, and giving the prosecuting attorneys additional fees for foreclosing the same. and repealing all laws in conflict with this act.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 185. A bill entitled "an act to provide for numbering the several Districts of the Court of Common Pleas of the State of Indiana.

Was read a second time, and,

On motion,

Referred to the Committee on the Organization of Courts.

No. 186. A bill to authorize the Board of Commissioners to purchase toll bridges, or any private interests therein.

Was read a second time, and ordered to be engrossed.

No. 187. A bill authorizing recorders to demand payment of their fees in advance.

Was read a second time, and ordered to be engrossed.

SENATE BILLS ON SECOND READING.

No. 5. A bill to amend section 238 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read the second time, referred to the Committee on the Judiciary.

No. 7. A bill supplemental to an act, entitled "an act concerning real property, and the alienation thereof," approved May 6, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 12. An act to amend the sixteenth section of an act, entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 19. A bill to amend the third section of an act, entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a second time, and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 24. A bill to amend the sixth section of an act, entitled "an act for the encouragement of agriculture," approved February 17, 1852.

Was read a second time, and passed to a third reading.

No. 29. A bill to amend section fourteen of an act, entitled "an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Was read a second time and passed to a third reading.

HOUSE BILLS ON SECOND READING.

No. 188. A bill to provide for the organization of companies to build dams across any stream to afford slackwater navigation.

Mr. Cason moved to amend as follows :

Amend by inserting in the proper place two thousand dollars in place of one thousand dollars.

On motion,

The bill and pending amendment was referred to the Committee on Judiciary.

No. 189. A bill authorizing the arresting and securing fugitives from justice.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 190. A bill to provide for the expenses of the present session of the Legislature.

Was read a second time, and ordered to be engrossed.

No. 191. A bill to amend sections one hundred and seventy-six, and one hundred and ninety of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

Mr. Branham moved to suspend the rule and read House bill No. 192 a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were.

Messrs. Anderson, Black, Branham, Brett, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Fisher, Fleming, Fordyce, Fraley, Frazier, Gifford, Goar, Hall, Hawthorn, Hayes, Henricks, Holcomb, Hopkins, Hudson, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, McClurg, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prow, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson,

H. J.—27.

Trier Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Boydston, Ferguson, Horton, Howard and Packard—5.

So the rule was suspended, and the bill read a second time by its title.

No. 192. A bill to provide for the organization of Circuit Courts, the election of Judges thereof, defining their powers and duties, and the jurisdiction of said Courts, and fixing the salaries of said Judges, and the number of terms of said Courts, and providing for adjourned terms of said Courts, and transferring the Probate business of the Common Pleas Court to the Circuit Court, and repealing all former laws on the subject.

On motion by Mr. Branham,

The bill was laid on the table, and three hundred copies ordered to be printed for the use of the House.

Mr. Heffren obtained leave of absence till Monday next.

The Speaker, at one o'clock P. M., declared the House adjourned till to-morrow morning 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
February 22, 1861. }

The House met.

The Journal was read and approved.

Mr. Black presented the following protest:

MR. SPEAKER:

In voting to concur in the report and resolutions of the minority of the Committee of Thirteen on Federal Relations, my name was recorded as voting yea. This vote was given under protest at the time as to certain portions of said report, which I did not consider appro-

pritate, while the Democratic party was devising means to avoid the approaching dangers.

A. M. BLACK.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that, upon the reception of the report from the Select Committee appointed to invite Mr. Lincoln, President elect of the United States, to visit the Capital of this State, on his way to the Federal Capital, announcing that they had discharged that duty, and naming the 12th proximo as the time for the visit, the Senate entrusted said Select Committee, in conjunction with the committee of the House appointed for the same purpose, with the further duty of making all necessary arrangements preparatory to the reception of the distinguished guest, and to request that the House will concur in said action, by devolving upon said Committee the additional duty before indicated.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution thereof, to-wit:

Resolved, By the Senate, the House of Representatives concurring, that the Committee on State Prison, in the Senate, be and they are hereby instructed to visit Michigan City, the location of the Northern Prison, in connection with such Committee as the House may designate, to examine the site thereof, and to investigate such matters connected with its location and erection as to them may seem proper; and that the Treasurer of State be, and he is hereby requested to advance such sum of money as may be necessary to bear their expenses during the trip; said sum to be finally provided for in the specific appropriation bill of the present session.

In which the concurrence of the House is respectfully requested.

REPORTS FROM STANDING COMMITTEES.

Mr. Smith, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred sundry petitions from citizens of Wayne county, in regard to shooting, netting and trapping quails and pheasants, have had the same under consideration, and instruct me to report the same back and say that a bill having been perfected to meet the views of conflicting opinions on that subject, that they recommend that the question lie on the table.

The report was concurred in.

Mr. Smith, of Bartholomew, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred Senate bill No. 19, a bill to amend the third section of an act, entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857, have had the same under consideration, and instruct me to report the same back, with the following amendment:

Insert in the proper place in the third section, "the first of October," instead of "the first of November," and then recommend its passage.

Mr. Ford offered the following amendment:

Amend by striking out the "first of February," and inserting the "first of March," wherever it occurs in the bill.

Mr. Stotsenburg moved to amend the amendment by striking out "first of March," and inserting "fifteenth day of January."

Mr. Bundy moved the previous question.

Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on the amendment to the amendment offered by Mr. Stotsenburg,
It was not agreed to.

The question recurring on the amendment of offered by Mr. Ford. It was not agreed to.

The question being on concurring in the report and adopting the amendment,

It was agreed to, and the bill ordered to be engrossed.

The Speaker laid before the House a report from the Terre Haute Branch of the Bank of the State of Indiana; also, report of the Branch of South Bend.

Which,

On motion,

Was referred to the Committee on Banks.

The Speaker laid before the House the following communication, with accompanying documents, from the Auditor of State:

OFFICE AUDITOR OF STATE, }
Indianapolis, Ind., February 21, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

In compliance with the resolution passed by your honorable Body, I herewith transmit you an abstract of the receipts and expenditures of the Swamp Land Fund of Gibson County, to date.

Respectfully,

ALBERT LANGE,
PER W. C. LUPTON.

By unanimous consent,

The communication and abstract were withdrawn from the files, for the member from Gibson county, Mr. Holcomb.

Mr. Orr, Chairman of Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred a resolution of the House, instructing them to inquire into the expediency of the passage of a law with proper penalties, requiring all persons before taking charge of any movable or stationary engine within this State, to obtain a certificate of qualification for so doing, have had the same under consideration, and have directed me to

report the same back to the House and recommend that it be laid on the table, as legislation is unnecessary on that subject.

Which was concurred in, and the resolution laid on the table.

Mr. Hurd, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was recommit-
ted House bill No. 179, being an act regulating estrays and articles
adrift, and repealing all laws conflicting with the provisions of this
act, are, after a careful comparison of the provisions of the proposed
bill with the law now on our Statute, still of the same opinion indi-
cated in their previous report, and therefore have again instructed
me to report the same back, and recommend that it lay on the table.

The report was concurred in, and the bill laid on the table.

Mr. Frasier, from the Committee on County and Township Busi-
ness, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was
referred House bill No. 205, being a bill to encourage the construc-
tion of free turnpikes, and to provide therefor, have had the same
under consideration, and have directed me to report that in the opin-
ion of the Committee such legislation would be inexpedient, and they
recommend that said bill be indefinitely postponed.

On motion by Mr. Veatch,
The bill was recommitted to the Committee on Judiciary.

Mr. Frasier, from the Committee on County and Township Busi-
ness, made the following report:

MR. SPEAKER:

The Committee on County and Township business, to whom was
referred House bill No. 138, being a bill to repeal an act entitled an
act to amend an act entitled an act to repeal all laws now in force for
the incorporation of cities, and to provide for the incorporation of
cities, &c., have had the same under consideration, and have instructed
me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Branham obtained leave and introduced

House bill No. 283. A bill to provide for the payment of interest on the State debt, due January 1, 1861.

Which was read a first time, and passed to a second reading.

Mr. Horton moved to take up Senate messages.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof to-wit:

Senate bill No. 31. A bill to authorize and regulate the sale of, and to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate and other powers, and also to legalize sales of railroads heretofore made.

Senate bill No. 52. A bill to amend the three hundred and fifty-second section of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 104. A bill to amend an act entitled "an act to amend the first section of 'an act concerning real property and the alienation thereof,'" approved May 6, 1852, approved March 2, 1859, and to legalize conveyances made by Indians, negroes, mulattoes and other persons of mixed blood

Senate bill No. 116. A bill to amend section seven of an act entitled "an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852.

Senate bill No. 163. A bill to amend section four hundred and sixty-seven of "an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of the State, to abolish distinct forms of action at law, and to provide for the admin-

istration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 175. A bill to amend section forty-two of an act entitled "an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof, and the act amendatory thereto," approved March 5, 1859.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills No. 104, No. 31, No. 52, No. 116, No. 175, No. 163, enclosed in the foregoing message, were severally read a first time and passed to a second reading.

Messrs. Moss and Boydston asked and obtained leave of absence till Monday next.

Messrs. Anderson, Hudson, Davis, Wilson and Hopkins asked leave of absence.

Mr. Branham moved that leave of absence be granted the above named members.

Mr. Bundy moved to lay the motion on the table.
Which was agreed to.

A message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 25. A bill authorizing justices of the peace, notaries public, mayors of towns and cities, and clerks of Circuit and Common Pleas Courts to administer oaths generally ; and county auditors, in certain cases ; and to legalize such as may heretofore have been administered by any of said officers.

Senate bill No. 36. A bill to amend the forty-ninth section of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Senate bill No. 38. A bill authorizing county auditors to purchase justices dockets, and to pay for the same out of the county treasury, and to provide for the safe keeping of the same."

Senate bill No. 46. A bill to amend the 57th section of an act, entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, and supplemental thereto, to prevent illegal voting, to prevent immigration or passing from any other to this State, or from one county or township in this State to any other county or township therein, or from any ward in any incorporated city or town to any other ward therein, for the purpose of fraudulent voting; prescribing penalties for aiding, abetting or assisting in such immigration or passing, with intent to procure fraudulent voting; and to prevent forged or fraudulent poll books, ballots or returns, and prescribing punishment therefor, and to preserve the purity of elections.

In which the concurrence of the House is requested.

Senate bills No. 25, No. 36, No. 38, and No. 46, contained in the foregoing message, were severally read a first time and passed to a second reading.

Message from the House by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 1 A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.

Message from the Governor, by Mr. Holloway, Executive Messenger.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following concurrent resolution thereof, to-wit:

Resolved, The House of Representatives concurring, That a Joint Committee of three on the part of the Senate, and five on the part of the House, be appointed to consider the propriety of reporting a bill to provide for the gradual but certain liquidation of the State debt, within a reasonable time.

And that Senators Lomax, Mellett and Wagner, were appointed said Committee on the part of the Senate.

In which the concurrence of the House of Representative is respectfully requested.

The resolution was concurred in.

Messrs. Branham, Fisher, Crain, Gifford and Brett, were appointed said Committee.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills, to whom was referred act No. 190, providing for defraying the expenses of the present session of the Legislature, would respectfully report that they have examined the said act as enrolled, and find the same to be correct.

BILLS INTRODUCED.

House bill No. 284. A bill to amend sections one, two and three of an act, entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in case of such location, approved March 2, 1855, and to provide for the disposition of grounds and buildings heretofore used as county buildings, and to provide for appeals from the decisions of boards of county commissioners in relation thereto, and to repeal all laws in conflict therewith.

Which was read a first time and passed to a second reading.

By Mr. Cameron,

House bill No. 285. A bill to apportion Senators and Representatives for the next six years.

Which was read a first time and passed to a second reading.

Mr. Grover, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 61, "a bill defining who shall be qualified voters at district school meetings in the election of district directors, and in the selection and dismissal of school teachers, and repealing all laws or parts of laws in conflict with this act," have had the same under consideration, and have instructed me to report it back with the following amendments; and when so amended, recommend its passage:

Amend the title by striking out all after the word "bill," and insert "to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries.

Amend by striking out all after the enacting clause, and insert the following:

SECTION 1. That there shall be annually assessed and collected, as the State and county revenues are assessed and collected on the list of taxable property for State purposes, the sum of cents on each one hundred dollars worth of property, and cents on each poll; *Provided*, however, that the taxes aforesaid shall not be levied and collected from negroes nor mulattoes, nor shall their children be included in any enumeration of required by this act, nor entitled to the benefits of said tax.

SCHOOL FUNDS AND SCHOOL REVENUES FOR TUITION.

SEC. 2. The funds heretofore known and designated as the surplus revenue funds, all funds heretofore appropriated to common schools, the saline fund, the bank tax fund, the fund which has been or may be derived from the sale of the county seminaries and the property belonging thereto, the moneys and property heretofore held for such seminaries, all fines assessed for breaches of the penal laws of this State, all forfeiture which may accrue, all lands or other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance, all lands which have been or may be hereafter granted to the State, when no special object is expressed in the grant, and the proceeds of the sales thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the 28th of September, 1850, after deducting the expenses of selecting and draining the same, the taxes which may from time to time be assessed upon the property of corporations for common school purposes, the fund arising from the 114th section of the charter of the State Bank of Indiana, and unclaimed fees, as provided by law, shall be denominated the Common School Fund; the income of which, together with the taxes mentioned and specified in the first section of this act, and the money and income derived from licenses for the sale of intoxicating liquors, shall be denominated the Common School Revenue for Tuition; the whole of which is hereby appropriated and shall be applied exclusively to furnishing tuition in the common schools of the State, without any deduction for expense of collection or disbursement.

SEC. 3. The several counties of this State shall be held liable for the preservation of so much of the said fund as is entrusted to them, and for the payment of the annual interest thereon at the rate established by law, which payment of interest shall be full and complete

every year, and shall so appear in the Auditor's report to the Superintendent of Public Instruction.

SCHOOL CORPORATIONS.

SEC. 4. Each civil township, and each incorporated town and city, in the several counties of the State, is hereby declared a distinct corporation for school purposes, and the trustees for such townships, and the trustees provided for in the next section of this act, shall, for their respective township, town or city, be trustee, clerk and treasurer for school purposes.

TRUSTEES AND THEIR DUTIES.

SEC. 5. The lawful voters of the several incorporated towns and cities of the State shall, at their next regular corporation election, and biennially thereafter, elect for the corporation a school trustee, who shall, before entering upon the duties of his office, take and subscribe an oath, and give a bond, similar to the oath and bond required of the township trustee, both of which shall be disposed of in the same manner which is provided for the disposition of the oaths and bonds of township trustees.

SEC. 6. The county auditor, in fixing the penalty and approving and accepting the bonds of any such trustees, shall see to their sufficiency to secure the school revenues which may come into their hands, as well as the ordinary township or other revenues; and in case of a vacancy in the office of trustee, the county auditor shall appoint a person to fill the same, who shall take an oath and give bond as provided in the last preceding section.

SEC. 7. The trustee, as treasurer, shall receive all school revenues belonging to his township, town or city, or which may be apportioned to it by the State for the support of schools, and pay out the same for the purposes for which they are collected or apportioned. He shall keep accurate accounts of his receipts and expenditures, and settle with the Board of County Commissioners at least once in each year, and as much oftener as they may require. And upon a failure of such treasurer to discharge any of the duties required of him by law relative to the schools and school revenues, the Board of County Commissioners shall cause suit to be instituted against him on his official bond; and in case of recovery against him, the court rendering the judgment shall assess upon the amount thereof ten per cent. damages to be included in said judgment.

SEC. 8. The trustees shall keep a record of their proceedings relative to the schools including all orders and allowances on account thereof. Including also accounts of all receipts and expenditures of school revenue, distinguishing between the special school revenue belonging to their township, town or city, and the school revenue for tuition, which belongs to the State, and by it apportioned to their township, town or city, for tuition, which revenue they shall not per-

mit to be expended for any other purpose than tuition, nor even for *that* purpose in advance of its apportionment to their respective corporations.

SEC. 9. The trustees shall take charge of the educational affairs of their respective townships, towns and cities, employ teachers subject to the provisions hereinafter mentioned, and shall establish, and conveniently locate, a sufficient number of schools for the education of the children therein, and build or otherwise provide suitable houses, furniture, apparatus and fuel for said schools. They may also establish graded schools, or such modifications of them as may be practicable; and provide for admission into the higher departments of the graded school from the primary schools of their townships, such pupils as are sufficiently advanced for such admission. They shall have the care and management of all property, real or personal, belonging to their respective corporations for common school purposes, except the congressional township school lands, which lands shall be under the care and management of the trustee of the civil township in which such lands are situated.

SEC. 10. Each school in a township shall be taught an equal length of time, without regard to the diversity in the number of pupils at the several schools at the cost of the school. And each of said schools shall be numbered by the proper trustee as school number —.

SEC. 11. The trustees of the several townships, towns and cities shall have power, with the concurrence of the board of county commissioners of their respective counties, to levy a special school tax in their respective townships, towns or cities, for the construction, renting or repairing of school houses, and for providing furniture and school apparatus and fuel therefor, and for the payment of other necessary expenses thereof, except for tuition; but no such tax shall exceed the sum of twenty-five cents on each one hundred dollars worth of taxable property, and fifty cents on each poll, in any one year. And any tax-payer who may choose to pay to the treasurer of the township, town or city wherein said tax-payer has property liable to taxation, any amount of money, or furnish building materials for the construction of school houses, or furniture, or fuel therefor, shall be entitled to a receipt from the trustee of said township, town or city, which shall exempt such tax-payer from any further taxes for said purposes until the taxes of such tax payer, levied for said purposes, would, if not thus paid, amount to the sum or value of the materials so furnished, or amount so paid. Provided, that said building materials, or furniture and fuel shall be received only at the option of the said trustee.

SEC. 12. Each trustee shall, between the first of July and the first of September in each year, make an enumeration of the children within their respective townships, towns and cities, between the ages of five and twenty-one years, and excluding married persons. In making said enumeration, the trustee shall list the names of the parent, guardian, or head of family having charge of such children,

and against each name, in appropriate columns, he shall enter the whole number of such children in charge of the person named, the number of males, the number of females, the number of the school district to which such person is attached for school purposes, and shall designate by numbers and initials, the congressional township in which such person resides, including in said list and enumeration the names and children of such persons as have been transferred to their township, town or city, from adjoining territory, and excluding therefrom the names and children of such persons as have been transferred from their township, town or city, to adjoining territory. And upon the first enumeration after the taking effect of this act, the trustee taking the same shall inquire of the person having charge of the children thus enumerated to which school they desire to attach themselves; and upon making their selection, such persons shall be considered as forming the district or association for school purposes of the school selected, and no one shall be allowed thereafter to attach themselves to, or have the privilege of any other school, but by the consent of the trustee, for good cause shown. Provided, that at subsequent enumerations the same inquiry shall be made of each person having charge of children, whose residence has been changed, or whose children have become liable to be enumerated for the first time since the last previous enumeration. And, provided, further, that nothing in this act shall be so construed as to deny persons the privilege of attending the public schools, on account of their being more than twenty-one years of age.

SEC. 13. All persons attached to the district for school purposes, including widows who have charge of children, and all legal voters who may have attached themselves to such district at the time of the enumeration, shall be voters at all school meetings.

SEC. 14. When persons can be better accommodated at the school of an adjoining township, incorporated town or city, the trustee of the township, town or city in which such persons reside, shall, if such persons so request at the time of making the enumeration, transfer them, for educational purposes, to such township, town or city, and notify the trustee thereof, of such transfer, which notice shall furnish the enumeration of the children of the persons so transferred. And each trustee shall, with his report of the enumeration, report distinctly the persons transferred to, or from, his township, town or city, for school purposes, indicating in said report the number of children in charge of the persons transferred, with the same particularity that is observed in the enumeration.

SEC. 15. Each person transferred for educational purposes to a township of an adjoining county, shall pay to the treasurer of such township (when a tax is levied therein for the purpose aforesaid) a sum equal to the tax levied, computing the same upon the property of such person in the township where he resides, according to the valuation thereof, by the proper assessor, and, in default of such payment, shall be debarred from educational privileges in the township to which he may have been transferred, and the trustee thereof

shall notify the trustee of the township in which he resides of such exclusion.

SEC. 16. Each trustee shall, on or before the first day of September, annually, report to, and file with, the school examiner of the proper county, a copy of his said list and enumeration, with his affidavit endorsed thereon, to the effect that the same is, to the best of his knowledge and belief, full and accurate, and does not include persons who are less than five nor more than twenty-one years of age.

SEC. 17. When a congressional township is located in two or more counties, the proper trustee for each portion thereof in the several counties, shall report at the time, and in like manner as provided for in the last preceding section, to the school examiner of the county in which the congressional township school fund of such township is held in trust, and managed.

SEC. 18. The township trustees and the school trustees of incorporated towns and cities, shall immediately after their annual settlement with the county commissioners in March, make a full statement, of all their proceedings, receipts and expenditures for the year preceding, relative to their schools, and shall cause the same to be published in some newspaper, if any is printed within their jurisdiction, or by posting the same in three public places in their respective townships or corporate limits.

SEC. 19. To enable the trustees to make the reports which are required of them by this act, the teacher of each school, whether in township, town or city, shall, at the expiration of the term of the school for which such teacher shall have been employed, furnish a complete report to the proper trustee, verified by affidavit, showing the number of teachers employed, male and female, and their daily compensation, the number of scholars admitted during the term, distinguishing between males and females, and between the ages of five and twenty-one, and those over the age of twenty-one years, the average attendance, books used, branches taught, and number of pupils engaged in the study of each branch; and until such report shall have been so filed, such trustees shall not pay more than 75 per cent. to such teacher for services.

SEC. 20. The trustees shall, at the time of their report to the school examiner of the enumeration of the children, report and furnish the statistical information obtained from the teachers of the schools of their respective townships, towns and cities, and embody in a tabular form the following additional items: The number of districts; schools taught and their grade; teachers—male and female; average compensation of each class; whole amount paid for tuition; average length of schools; school houses erected during the year and cost of the same; number of volumes in the library, and the number taken out during the year ending on the first day of September, and also the number of volumes added to the library; assessment on each one hundred dollars of taxable property and each poll of special tax for school house erection, and amount of such levy; number

of acres and value of congressional school lands and income therefrom, together with such other information as may be called for by the School Examiner and Superintendent of Public Instruction. Failure on the part of the trustees to make the aforesaid report at the time specified shall subject the township to a diminution of twenty-five dollars of its next apportionment of the common school revenue, which shall be withheld by the auditor when he makes such apportionment, and such delinquent trustee shall be chargeable therewith and liable on his bond for the amount so withheld by the auditor, which amount shall be added by the auditor to the sum for apportionment and apportioned therewith.

SEC. 21. If a trustee shall fail to discharge any of the duties of his office relative to the schools, any person may maintain an action against him for every such offence, in the name of the State of Indiana, and may recover for the use of the common school fund any sum not exceeding ten dollars, which sum, when collected, shall be paid into the county treasury and added by the county auditor to said fund, and reported accordingly.

SEC. 22. Any person elected or appointed such trustee who shall fail to qualify and serve as such, shall pay the sum of five dollars, to be recovered as specified in the preceding section, for the use therein named, and in like manner added to said fund, unless such person shall have previously served as such trustee.

DIRECTORS.

SEC. 23. The inhabitants, whether residing in or out of the township, who shall have designated any school in such township as the one to which they desire to be attached, as provided in Sec. of this act, shall meet annually on the first Saturday of October at the school house, if there be any; if not, at some convenient place, to be designated in the notice of such meeting, and choose one of their number director of such school, who, before entering upon the discharge of his duties, shall take an oath faithfully to discharge the same.

SEC. 24. Other meetings of such inhabitants may be held at any time, upon the call of the director or any five of the inhabitants.

SEC. 25. At least five days' notice shall be given of such school meeting by posting notices in five public places in the vicinity, but no meeting shall be illegal for want of such notice, in the absence of fraud.

SEC. 26. Such school meetings shall have power to designate the teacher whom they desire, to teach their school, to determine what branches they desire shall be taught in such school, and the period at which their school shall be taught, and the manner of expending their school funds for tuition within the year for which said funds are apportioned; to designate such repairs as they may deem necessary to their school house; to memorialize the township trustees for the removal of their school house to a more convenient location, or for

the erection of a new one, and upon any other subject connected with their school or township.

SEC. 27. When such meeting shall petition the township trustees in regard to repairs, removal or erection of a school house, they shall also furnish to such trustees an estimate of the probable cost of such repair, removal or erection.

SEC. 28. The trustee shall in every case in which a majority of the voters entitled to vote at school meetings have designated the teacher they wish to be employed, employ the same, if he or she can be had on reasonable terms; and in no case shall such trustee employ any teacher, whom a majority of the inhabitants attached to any school, have decided they do not wish employed; and when, at any time after the commencement of any school, if a majority of the inhabitants petition said trustees that they wish such teacher dismissed, such trustee shall dismiss him, but only upon good cause shown, but such teacher shall be entitled to pay for all services rendered.

SEC. 29. The director of each school shall preside at all meetings of the inhabitants connected therewith, and record their proceedings; he shall also act as the organ of communication between the inhabitants and the township trustees.

SEC. 30. He shall take charge of the school house and property belonging thereto, under the general order and concurrence of the trustee, and preserve the same, and shall make all temporary repairs to the school house, furniture and fixtures, and provide the necessary fuel for the school, and report the cost thereof to the trustee for payment.

SEC. 31. He shall visit and inspect the school from time to time, exclude any refractory pupil therefrom, but the exclusion of any pupil from the school for disorderly conduct shall not extend beyond the current term, and may be, in the discretion of the director, for a shorter period.

SEC. 32. The decision of the director in excluding a pupil, shall be subject to appeal to the township trustee, whose decision shall be final.

SCHOOL EXAMINERS.

SEC. 33. The Boards of County Commissioners of the several counties of the State shall, at their June session in 1861, and triennially thereafter, appoint for their respective counties a School Examiner, whose official term shall expire as soon as his successor is appointed and qualified, who, before entering upon the duties of his office, shall take and subscribe an oath according to law, and all the proceedings relating thereto shall conform to the law relative to oaths of public officers; and thereupon the several county auditors shall report the name and post office address of the person appointed in their respective counties, to the State Superintendent of Public Instruction.

SEC. 34. Said school examiner shall examine all applicants for
H. J.—28.

license as teachers of the common schools of the State, by a series of written or printed questions, requiring answers in writing, if he wishes so to do, and in addition to the said questions and answers in writing, questions may be asked and answered orally; and if from the ratio of correct answers, and other evidences disclosed by the examination, the applicant is found to possess a knowledge which is sufficient in the estimation of the examiner to enable said applicant to successfully teach and give instruction in the common schools of the State, in orthography, reading, writing, arithmetic, geography and English grammar, and to manage such a school, said examiner shall license said applicant for the term of six months, twelve months, eighteen months, or two years, according to the ratio of correct answers given upon said examination, the standard of which shall be fixed by the examiner.

SEC. 35. If the persons attached to and forming a school, have at their school meeting designated other branches of learning in addition to the ones above mentioned, which they desire to have taught in their schools, the trustee in employing a teacher for said school, shall require said teacher to be examined as to his or her qualification to teach such additional branches. And all licenses shall specify the branches which the applicant is qualified to teach, and the license shall be without charge.

SEC. 36. All licenses granted by the examiners shall be limited to the county in which they are granted; and if the examiner in his discretion shall grant a license to any applicant for less than the six branches mentioned in section — of this act, such license shall state upon its face that the other branches are omitted at the request of the proper trustee, and such license shall limit the person to whom it is granted to the particular school from which the application comes, and in length of time not exceeding six months, and a second license shall not be granted to the same person for such low grade of qualification.

SEC. 37. The school officers having power to grant licenses, shall have power to revoke licenses for incompetency, immorality, cruelty, or general neglect of the business of the school.

SEC. 38. Said examiners shall, in the last week in August, annually report to the Superintendent of Public Instruction, the names of the persons to whom he has granted license since the last report for his county; distinguishing between these licensed for six, twelve and eighteen months, and two years, and giving the number of males, number of females, and total number licensed, and the number but not the names of applicants for license who are rejected, and the number of licenses revoked; an abstract from which reports, together with a similar statement of the number licensed by himself, shall be appended by said Superintendent to his biennial report.

SEC. 39. Said examiners shall constitute a medium of communication between the Superintendent of Public Instruction and the subordinate school officers and the schools. They shall visit the schools of their respective counties, as often as they may deem it

necessary, during each school term, for the purpose of increasing their usefulness and elevating as far as practicable, the poorer schools to the standard of the best, advising and securing as far as practicable, uniformity in their organization and management, and their conformity to the law, and the regulations and instructions of the State Board of Education, and Superintendent of Public Instruction. They shall receive from the trustees their reports of enumeration, and their regular school and other reports, which are required by law to be made to them, and otherwise gather up the necessary data and information, including that relative to private common schools, high schools, colleges and other private institutions of learning within their respective counties, so as to present a view of the educational facilities of the State, and enable them to make full and complete reports to the Superintendent of Public Instruction, and receive for and distribute to the Township Librarians such books as may be furnished for them, and advise such a disposition and use of them as will tend to increase their usefulness. They shall see to the introduction of authorized text-books into their schools, and advise the trustees as to the most approved school furniture, apparatus and educational agencies, and, as far as practicable, they shall furnish trustees and teachers with the regular forms, blanks, regulations, instructions and reports, which issue from the department of Public Instruction, and relate to their respective branches of the school service.

SEC. 40. Appeals shall be allowed from the decisions of trustees, relative to school matters, to the school examiners, who shall receive and promptly determine the same, according to the rules which govern appeals from justices of the peace to the Common Pleas or Circuit Courts, so far as such rules are applicable and their decisions of all local questions relating to the establishment of schools, and the location, building, repair or removal of school houses, or transfer of persons for school purposes shall be final.

SEC. 41. The school examiners are hereby authorized and empowered to administer all oaths relative to the school business in their respective counties.

SEC. 42. When any trustee shall neglect to file with the school examiner an enumeration of the children of the township, town or city, as hereinbefore provided, the school examiner shall, immediately after the first day of September in each year, employ a competent person to take the same, and allow a reasonable compensation for such services, payable from the special school revenue of the township, and shall proceed to recover the same, in the name of the State of Indiana, for the use of said revenue of said township, by action against the said trustee in his individual capacity; and in such suit, the school examiner shall be a competent witness.

SEC. 43. The county school examiner shall, on or before the fifteenth day of September annually, make out and forward to the State Superintendent the enumeration of their respective counties, with the same particular discrimination required by the trustees; he shall also

furnish the statistical information exhibited in the reports of such trustees, in such form as may be prescribed by the Superintendent of Public Instruction. Failure to make the required reports at the proper time, shall subject the county to a diminution of fifty dollars of its apportionment of the common school revenue which shall be withheld by the Superintendent when he makes the apportionment in April. The county may have redress for the loss on the delinquent examiner, for which any citizen may bring suit.

SEC. 44. The school examiner shall make out from the lists of enumeration, and the reports of transfers, the basis of the apportionment of school revenue to the several townships, towns and cities of their respective counties, and parts of congressional townships of adjoining counties, whose congressional township fund is managed in their counties, and report the same to the proper county auditor, by the first day of November annually, so as to enable the county auditor to accurately apportion the school revenue for tuition, according to the — section of this act. Said school examiners shall also, at the same time, furnish the county auditor with such a statement of all transfers, as will enable the auditor to assess to the persons transferred the proper special school tax, levied by the trustee of the township, town or city, to which such persons are transferred.

SEC. 45. The County Examiner shall hold stated public examinations of applicants for license, at some eligible point in his county, after due public notice, at least once every three months; and he shall, as far as practicable, make such public examination by classes.

SEC. 46. The said Examiner shall receive, for all his services required by this act, such sum per diem, as may be reasonable and just, to be allowed by the Board of Commissioners of his county, to be paid out of the special school tax of each township, in proportion to the services rendered and the time employed in each; and the county auditor shall draw his warrant on the county treasurer, in favor of said examiner, for the amount so allowed, who shall pay said warrant out of the special school tax in his hands, belonging to each township.

SEC. 47. The county auditor shall, from the assessment of the property for State and County purposes, make the proper assessment of the tax levied by the Trustee, as concurred in by the County Commissioners, in the same manner as for State and County revenue, and shall set down the amount of said tax on his tax duplicate as other taxes, in appropriate columns, and the said tax shall be collected by the County Treasurer as other revenues, and shall be paid to the treasurer for school purposes of the proper township, town or city, upon the warrant of the Auditor. But said assessment of tax shall extend to no property of the person taxed, except that which is situate within the township, town or city, in which the tax is levied and the person taxed resides.

OF THE LANDS BELONGING TO THE CONGRESSIONAL TOWNSHIP FUND.

SEC. 48. The custody and care of all lands belonging to the congressional township fund shall be with the trustee of the civil township in which the same shall be situated, who shall report annually to the Auditor, by the fourth Monday in April, the annual income derived therefrom to the township.

SEC. 49. They shall have power, when directed so to do by a vote, or by the written direction of a majority of the voters of the congressional township to which the same belongs, to lease such lands for any term not exceeding seven years, reserving rents payable in money, property, or improvements upon the land, as may be directed by the majority of such votes.

SEC. 50. When the sixteenth section, or the section which may be granted in lieu thereof, shall be divided by a county or township line, or where the substituted section lies in any other county in this State, the voters of the congressional township to which the same belongs shall designate by a vote, or by the written direction of a majority, the trustee of one of the civil townships, including a part of said section, to have the care and custody of such section, and to carry out the directions of the voters of the township in relation thereto, and the trustee so designated shall have the same powers, and perform the same duties, as if the entire section was situated within the limits of his civil township, and receive from the county treasurer the revenue derived from funds accrued from said sale.

SEC. 51. The proper trustees shall have all the rights and powers of a landlord, in their official name, in coercing fulfillments of contracts relating to such lands, and preventing work or damage, or for the recovery of the same when committed.

SEC. 52. At any time when five voters of any congressional township shall, by petition to the trustee having charge of the school land belonging to such township, set forth their desire for the sale of all or any part of the school land, the trustee shall give notice in five public places in such township, of the time and place in such township when and where a balloting will be had to determine whether the land shall be sold as petitioned for or not, which notice shall be given at least twenty days before the time specified therein.

SEC. 53. A copy of such petition shall be entered on the book containing the record of the proceedings of such trustee and his action thereon shall also be recorded.

SEC. 54. If a voter favor the sale of such land he shall write on his ballot the word "sale;" if he oppose the sale he shall write the words "no sale."

SEC. 55. No such sale shall be allowed unless a majority of all the voters in such township shall vote in favor of it, nor unless the number of votes constituting such majority shall exceed fifteen.

SEC. 56. The trustee shall attend at the time and place specified, and shall make out a certificate showing the number of votes given

for and against such sale, which shall be signed by him and filed in his office, and he shall enter the same upon his record book.

SEC. 57. Said trustee, if satisfied that a majority and more than fifteen voters have voted for such sale, shall enter the fact upon his record book, and proceed—

First. To divide the lands so voted to be sold into such lots as will insure the best price.

Second. To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

Third. To certify such division and appraisement to the proper county auditor, together with a copy of all his proceedings had in relation to the sale of said lands.

SEC. 58. Such certificate and return shall, by such auditor, be laid before the board of county commissioners at their first meeting thereafter, and said board, if satisfied that the requirements of the law have been substantially complied with, shall direct such land to be sold, which sale shall be conducted as follows:

First. It shall be made by the auditor and treasurer.

Second. Four weeks notice of the same shall be given by posting up notices thereof in three public places in the township where the land is situated, and at the court house door, and by publication in a newspaper printed in said county, if any; otherwise in the newspaper in the State nearest thereto.

SEC. 59. One-fourth of the purchase money shall be paid in hand, and interest for the residue for one year in advance, and the residue in ten years from such sale, with like interest annually in advance. Said deferred payments shall be regarded as a part of the congressional township school fund, and reported as such by the auditor to the Superintendent of Public Instruction.

SEC. 60. On failure to pay such annual interest when the same becomes due, the contract shall become forfeited, and the land shall immediately revert to the township, and the auditor and treasurer shall forthwith proceed again to sell the same on the terms above specified. If on such second sale such land shall produce more than sufficient to pay the sum owing therefor, with interest and costs, and five per cent. damages, the residue shall, when collected, be paid over to the first purchaser or his legal representative.

SEC. 61. At any time before sale, payment of the sum due, with interest for the delay, and all costs, together with two per cent. damages on the sum due for said land, shall prevent such sale and revive the original contract.

SEC. 62. In case of such forfeiture, the original purchaser may be sued for waste or unnecessary injury done to such land.

SEC. 63. Such suit shall be prosecuted by the auditor in the name of the State, for the use of the proper congressional township.

SEC. 64. When any land offered for sale at public auction shall remain unsold, the county auditor may dispose of the same at private

sale for the best price that can be had therefor, not being less than the minimum price affixed thereto.

SEC. 65. After the expiration of the term of four years from and after any appraisement, any offer of sale of any lands in this State belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-appraise, sell, and dispose of said lands in the same manner that they would have been had such lands not been previously offered for sale; *Provided*, however, That such appraised value shall not be below the minimum price as now fixed by law.

SEC. 66. A certified statement of such sale shall be made and signed by the auditor, and being first recorded by such auditor in the records of the board of county commissioners, shall be delivered to the purchaser when he makes his first payment, and shall entitle him to a deed when the terms of such purchase shall have been fully complied with.

SEC. 67. Every purchaser until forfeiture, shall be entitled to all the rights of possession before existing in such trustee, or township, and to all rights and remedies for rents becoming due, or breaches of covenant accruing after his purchase, under any lease existing at the time of his purchase, and for all waste committed thereafter.

SEC. 68. A purchaser at such sale failing to make the first payment as above required, shall pay ten per centum on the sum bid, to be recovered by action before any court having jurisdiction, to be prosecuted for by the county auditor in the name of the State, for the use of the proper township, and the auditor and treasurer shall be competent witnesses.

SEC. 69. No assignment of a certificate shall be valid unless acknowledged before some officer authorized to take the acknowledgment of deeds, or before the county auditor, who shall, in all cases, record the same. Assignments of certificates heretofore made before any officer authorized to take the acknowledgment of deeds, when recorded shall be as valid as if acknowledged before the county auditor.

SEC. 70. When a residue of purchase money becomes due, the purchaser may retain the same as a loan, for a term not exceeding three years, on payment annually in advance of the interest thereon, at the rate then established by law for loans of such funds; but he shall receive no deed until full payment is made.

SEC. 71. Purchasers may, at any time before due, pay a part or the whole of such purchase money.

SEC. 72. When any such certificate shall be lost or destroyed before a deed be made, on proof thereof by affidavit of the person interested, or other competent testimony, to be filed with the county auditor, and after three months' notice of intention to apply for a new certificate given in some newspaper printed nearest to where the land lies, such auditor may issue the same to the person entitled thereto.

SEC. 73. Purchase money and interest, and all costs and damages

above provided for, shall be paid to the treasurer of the proper county, and his receipt therefor filed by the person paying with the county auditor, who shall issue his quietus therefor.

SEC. 74. When such payment is in completion of any contract of sale, the amount of such receipt shall be endorsed by the county auditor on the certificate of purchase.

SEC. 75. On full payment for such land, a deed shall be executed by the county auditor and entered on the record book of the board of county commissioners.

SEC. 76. Such deed shall be executed and acknowledged at the cost of the grantee by the county auditor, as in other cases, and thus executed and delivered, shall vest in the grantee, his heirs and assignees forever a complete title to the land.

SEC. 77. The voters of any congressional township may, in the absence of a vote to sell land and in lieu thereof petition the trustee of the township for such sale, and such petition, if signed by a majority of all the voters of the township, shall be filed with the county auditor, and the same proceeding shall be had as are provided in the preceding section upon a vote of the inhabitants of the township for such sale. Such petition and certificate shall also be recorded in the record book of the trustee of the township and of the county auditor.

OF THE INVESTMENT OF FUNDS HELD FOR THE BENEFIT OF COMMON SCHOOLS AND CONGRESSIONAL TOWNSHIPS.

SEC. 78. The principal of all moneys, whether belonging to the common school fund, or to the congressional township school fund and received into the county treasury, shall be loaned at ten per cent. per annum payable annually in advance, and the interest paid out as prescribed in this act and not otherwise; and any judgment upon any note or mortgage for any part of said fund shall bear seven per cent. interest from the date thereof till the same is paid.

SEC. 79. Such loans shall be made by the county auditor, who shall inform himself of the value of all the real estate offered in the mortgage, and be satisfied of the validity of the title thereof, and all persons applying for a loan shall produce to said auditor title papers, showing a clear title in fee simple, without incumbrance, and not derived through any executors or administrator's sale, or sale on execution, or sale for taxes.

SEC. 80. The auditor may require three disinterested freeholders of the neighborhood to appraise any land offered in mortgage.

SEC. 81. Such appraisers, being first officially sworn, shall examine and appraise such land, and sign and give to the applicant a certificate, setting forth the fair cash value of the land at the time, without taking into consideration perishable improvements.

SEC. 82. In making such loans, preference shall be given to the inhabitants of the county, if security be adequate; and no land shall

be received as security unless situated in the county where the loan is made.

SEC. 83. The amount loaned to any person or company shall not exceed three hundred dollars.

SEC. 84. The applicant for a loan shall file with the auditor the certificate of the clerk and recorder, showing that there is no incumbrance on said land in either of their offices.

SEC. 85. Such applicant shall also make oath that there is no incumbrance or better claim that he knows of, and that the abstract of title presented by him is, as he believes, a true one.

SEC. 86. No such loan shall be made for a longer term than five years.

SEC. 87. The sum loaned shall not exceed one-half of the appraised value of the premises proposed to be mortgaged, clear of all perishable improvements.

SEC. 88. The auditor shall have power to administer all oaths, and take acknowledgements required by this act.

SEC. 89. Mortgages taken for such loans shall be considered as of record from the date thereof, and shall have priority of all mortgages or conveyances not previously recorded, and of all other liens not previously incurred in the county where the land lies.

SEC. 90. The auditor shall cause such mortgages to be recorded immediately, retaining the cost of recording out of the money borrowed.

SEC. 91. On failure to pay any instalment of interest when the same becomes due, the principal sum shall forthwith become due and payable, and the note and mortgage may be proceeded on and collected.

SEC. 92. The mortgage may be in substance as follows, and the auditor shall specify therein whether the same belongs to the Common School Fund or to the Congressional Township Fund; and if to the latter, the particular township whose funds are thus loaned.

FORM OF THE MORTGAGE.

SEC. 93. I, A. B., of the county of _____, in the State of Indiana, for the use of, (here describe the fund out of which the loan was made,) mortgage all (here describe the land) for the payment of _____ dollars, with interest at the rate of ten per cent. per annum, payable annually in advance, according to the conditions of the note hereto annexed.

SEC. 94. The note accompanying the same may be in substance as follows, to-wit: I, A. B., promise to pay to the State of Indiana, for the use, (here recite the particular fund,) on or before the _____, the sum of _____ dollars, with interest thereon, at the rate of ten per cent. per annum in advance, commencing on the _____ day of _____ 18____, and do agree that in case of failure to pay an installment of said interest when the same shall become due, the principal sum shall become due and payable, together with all arrears of interest; and

on failure to pay such principal or interest when due, two per cent. damages shall be collected, with costs, and the premises mortgaged may be forthwith sold by the county auditor for the payment of such principal sum, interest, damages and costs.

SEC. 95. On making loan of any fund the auditor shall draw his warrant in favor of the borrower upon the county treasury, who shall charge it to the proper fund.

SEC. 96. All loans refunded and all interest shall be paid to the county treasurer, and his receipt shall be filed with the county auditor, who shall give the payor a quietus therefor and make the proper entries.

SEC. 97. Whenever the amount due on any mortgage shall be paid and the treasurer's receipt therefor filed, the auditor shall endorse on the note and mortgage that the same have been fully satisfied, and surrender the same to the person entitled thereto; and on the production of the same thus endorsed the recorder shall enter satisfaction upon the record.

SEC. 98. When the interest or principal of any such loan shall become due and remain unpaid, the auditor shall proceed to collect the same by suit on the note, or by sale of the mortgaged premises, in the manner prescribed in the section of this act; he may also, by suit, recover possession of the mortgaged premises before sale thereof. And he shall on the 4th Monday in January annually offer for sale all mortgaged lands on which there are payments of principal or interest due and unpaid.

SEC. 99. In all cases where the mortgaged premises shall fail to sell for a sum sufficient to satisfy the principal and interest of the loan made, and the costs accrued by such failure, the county auditor shall bring suit on the note executed by the mortgagor, and whenever judgment shall be rendered thereon, no appraisalment of property shall be allowed on execution issued on such judgment.

SEC. 100. Before sale of mortgaged premises, the auditor shall advertise the same in some newspaper printed in the county where the land lies, if any there be; otherwise, in a paper in the State nearest thereto, for three weeks successively, and also by notice set up at the court house door, and in three public places in the township in which the land lies.

SEC. 101. At such sale, which shall be held at the court house door, the auditor shall sell so much of the mortgaged premises to the highest bidder, for cash, as will pay the principal, interest, damages and costs.

SEC. 102. In case of no bid for the amount due, the auditor shall bid in the same, on account of the fund, and as soon thereafter as may be, shall sell the same, having first caused it to be appraised by three disinterested freeholders of the neighborhood, on a credit of five years, with interest at seven per cent. per annum, being payable annually in advance; but no such sale shall be for a less sum than the appraised value thereof.

SEC. 103. Lands heretofore bought in, on account of the fund, which have been appraised, shall be sold in like manner.

SEC. 104. Upon full payment being made for such lands, the deeds therefor shall be executed by the county auditor, and shall be entered in the records of the board of county commissioners before delivery.

SEC. 105. At the public sale at the court house door, provided for in this act, the county treasurer shall also attend and make a statement of such sales, which shall be signed by the auditor and treasurer, and after being recorded in the auditor's office, shall be filed in the treasurer's office, and such record, or a copy thereof, authenticated by the auditor's or treasurer's certificate, shall be received as evidence of the matters therein contained.

SEC. 106. When any land is bid off by the auditor at such sale, no deed need be made therefor to the State, but the statement of such sale and the record thereof shall vest the title in the State for the use of the proper fund.

SEC. 107. Forms and modes of book-keeping shall, from time to time, be prescribed for the county auditors and treasurers by the State Superintendent of Public Instruction.

SEC. 108. The county auditors and county treasurers shall annually report in writing to the board of county commissioners of their respective counties at the March sessions of said board, relative to the school funds held in trust by said counties, distinguishing in said reports between the congressional township and common school funds, indicating the amounts thereof, the additions to them within the current year then ending, the sources from whence such additions are derived, the condition of them as to their safety, giving the amount thereof safely invested, unsafely invested, and uninvested at the date of said report, giving also the amount of interest collected upon said funds within the year then ending, and the amount then due and unpaid.

SEC. 109. The board of county commissioners shall annually, at their said March sessions, in presence of the auditor and treasurer, examine said report, the accounts and proceedings of said officers in relation to said funds and the revenue derived from them. They shall compare with said reports, the cash, the notes, mortgages, records and books of said offices, with a view to ascertain the condition of said funds as to their safety, and to secure their preservation and the prompt payment of the annual interest thereon as the same becomes due.

SEC. 110. The county commissioners at said session shall make out, for their respective counties, a report in writing of the result of such examination, showing—

First. The amount of said funds at the close of last year.

Second. The number of acres of unsold congressional township school lands and the approximate value thereof.

Third. The amount added from fines and forfeitures.

Fourth. The amount added by the commissioners of the sinking fund.

Fifth. The amount added from all other sources.

Sixth. The total amount of the fund.

Seventh. The amount refunded within the year.

Eighth. The amount relented within the year.

Ninth. The amount safely invested.

Tenth. The amount unsafely invested.

Eleventh. The amount uninvested at date of report.

Twelfth. Amount of funds lost since 1842.

Thirteenth. Amount of interest.

Fourteenth. Amount of interest delinquent. And in said report the commissioners shall distinguish between the congressional township fund, and the common school fund, and in their account of the interest or revenues derived from said funds they shall observe the same distinction.

SEC. 111. Such report shall be entered on the records of said board, and copies thereof, signed by the members of the board, the auditor and treasurer, shall be transmitted to the Auditor of State, and the State Superintendent of Public Instruction.

SEC. 112. County auditors shall receive for their services in managing the school fund, the two per cent. damages accruing on all sales for the non-payment of loans, and four per cent. on all disbursements of interest; and the county treasurer shall receive one per cent. on all disbursements of interest, and one per cent. on the amount of school tax disbursed; and the sum of said per cent. on disbursements thus ascertained, shall be paid in the same manner, and out of the same revenue as other services of said officers are paid.

SEC. 113. The following fees only shall be charged in case of mortgage for loans:

To each appraiser, fifty cents.

For recording mortgage, fifty cents.

For drawing mortgage, fifty cents.

For taking borrower's affidavit, ten cents.

For clerk and recorder's certificate and examining title, each twenty-five cents, which shall be paid by the borrower.

OF THE DISTRIBUTION OF THE SCHOOL REVENUE.

SEC. 114. There shall be two apportionments of the school revenue for tuition made in each year, by the State Superintendent of Public Instruction, one on the fourth Monday in April, and the other on the fifteenth day of October, unless the said day of the month should be Sunday, and if so, then on the day following.

SEC. 115. To enable the Superintendent to make said apportionments, and ascertain the amount of said revenue collected and ready for that purpose, the auditors of the several counties of the State shall promptly, after making the settlements with the county treasurers of their respective counties, in March, for the amount collected on tax list, and in October for the amount of delinquent tax collected, make report to said Superintendent of the precise amount of school

revenue for tuition collected in their respective counties, and ready for apportionment and distribution.

SEC. 116. The first of said reports in each year shall not be delayed later than the third Monday in April, and the second not later than the tenth day of October. Said reports shall show—

First. The amount of school tax collected since the last report, whether upon the current year's tax list, or delinquent tax.

Second. The amount of interest collected and not previously reported, upon loans of common school funds, or on any indebtedness which is due, or payable to said fund, arising from the sale of seminary property or otherwise.

Third. The amount derived from liquor licenses, and not previously reported.

Fourth. The total amount of school revenue thus collected and ready for apportionment.

Fifth. The income derived from the Congressional Township School Fund, including the interest on loans of said fund, and on deferred payments for school lands which have been sold, and the rents and profits derived from the leasing or renting of any such lands, or otherwise.

Sixth. The amount of said income from the Congressional Township Fund on hand for distribution in his own county, and also the amount on hand for distribution in parts of townships in the adjacent counties, specifying the amount on hand for each of these several counties.

SEC. 117. When the congressional township lies partly in one county and partly in another, the auditor of the county in which the fund of such township is managed shall notify the auditor of the county in which any portion is situated, of the amount due to such portion.

SEC. 118. On failure of any county auditor to make his said semi-annual reports in time for said apportionments, his county shall be subjected to a diminution of \$100 dollars in the next apportionment of said revenue by the Superintendent. The sum thus withheld may be collected from said auditor in a suit before a justice of the peace, prosecuted in the name of the State, by any person living in said county, who has children enumerated for school purposes, for the current year, who is aggrieved by said diminution. Said suit shall be commenced within two years from the time when said report was due, and not afterwards. *Provided,* That said auditor may discharge himself by a certificate from the postmaster that said report was mailed in due time.

SEC. 119. The State Superintendent of Public Instruction shall, on the days fixed by section — of this act, for his apportionment of said revenue in each year, add to the sum total of said revenue in readiness in each county for apportionment, the sum of twenty-five thousand dollars of the State's indebtedness to the schools; which additions shall continue to be made at each apportionment, until the whole of said indebtedness, together with six per cent. interest

thereon from the time said indebtedness accrued is paid. The amount of which debt and interest shall be settled and adjusted by and between the Superintendent of Public Instruction and the Auditor of State. And after said addition, the Superintendent shall apportion the whole of said sum to the several counties of the State, according to the last enumeration of children therein, with due reference to the diminution provided for by section — of this act, and without taking into consideration the revenue derived from the congressional township school fund in such apportionment.

SEC. 120. Said Superintendent shall make out and have printed a statement showing—

First. The enumeration of children in each county.

Second. The amount of school revenue ready for apportionment in each county, including said addition from the State's indebtedness.

Third. The distributive share thereof apportioned to each county. A copy of said statement he shall file with the Auditor of State and Treasurer of State, and he shall forward a copy thereof by mail to each of the county auditors and county treasurers of the State.

SEC. 121. The Auditor of State shall, at the time of making the semi-annual settlements with the several county treasurers, give them each a warrant on the State treasury for the distributive of said revenue apportioned to their respective counties, the amount of which shall be retained by said treasurers out of the money or revenue in their hands, and the balance ascertained to be due to the State, of ordinary State revenue, or of school revenue, together with said warrant, shall be paid into the State Treasury. And the settlement between the respective county treasurers and the auditor of State, and the drawing of the warrant for the amount apportioned to their respective counties, the ascertainment of the balance payable into the State Treasury, and the payment of said balance, and retention by the county treasurer of his distributive share of school revenue, according to said apportionment, shall be concurrent acts, and shall be done and performed in such a manner as to effect a complete semi-annual disbursement from the State Treasury to the several counties of the State, of all the school revenues then apportioned to them, and as soon as practicable after the apportionment is made.

SEC. 122. If at any time, from any cause whatever, an unapportioned balance of school revenue shall appear in the State Treasury, other than that which is nominally therein at the passage of this act, the Superintendent of Public Instruction shall add said balance to the sum to be apportioned, and apportion it at the next succeeding apportionment, after such balance so appears.

SEC. 123. The treasurers of the several counties shall, semi-annually, on the second Mondays of May and November, make distribution of the income of the common school revenue, to which his county is entitled, (upon the warrant of the county auditor,) to the several townships and incorporated towns and cities of the county, which payment shall be made to the school treasurer of each township

and incorporated town and city; and in making the said distribution, the auditor shall ascertain the amount of the congressional township school revenue belonging to each city, town and township, and shall so apportion the common school revenue as to equalize the amount of available school revenue for tuition to each city, town and township, as near as may be, according to the enumeration of children therein: *Provided, however,* that in no case shall the income of the congressional township fund belonging to any congressional township, or part of such township, be diminished by such distribution, or diverted to any other township.

OF THE STATE SUPERINTENDENT.

SEC. 124. There shall be elected, by the qualified voters of the State, at the general election, a State Superintendent of Public Instruction, who shall hold his office for two years.

SEC. 125. He shall receive for traveling and other expences, whilst traveling on the business of the department, a sum not exceeding five hundred dollars per annum.

SEC. 126. His official term shall commence on the fifteenth day of March succeeding his election. He shall take and subscribe the oath prescribed by law, which proceeding shall in all things conform to the law relative to oaths of public officers.

SEC. 127. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business; and he is hereby authorized to employ one clerk at one thousand dollars per annum, to be paid in the same manner as the clerks of the Auditor of State are paid.

SEC. 128. In the month of January in each year in which there is no regular session of the General Assembly, he shall make a brief report in writing to the Governor, indicating in general terms the enumeration of the children of the State for common school purposes, the additions to the permanent school funds within the year, the amount of school revenue collected within the year, and the amounts apportioned and distributed to the schools.

SEC. 129. He shall present a biennial report to the General Assembly, containing a brief exhibit of his labors, the result of his experience and observation, noticing any imperfection in the operation of the school system, and suggest the appropriate correction.

SEC. 130. He shall cause ten thousand copies to be printed and distributed to the several counties of the State.

SEC. 131. He shall prepare statistical tables and abstracts of the materials which have been transmitted to his department by the proper officers, and append the same to said report, exhibiting a statement of the amount of all permanent funds and property appropriated to the purposes of public instruction. An abstract of the November school reports received from the several counties, with the same particularity required in said reports. Estimates and accounts of the

receipts and expenditures of the public school revenues. A statement of his apportionment school revenues. Plans for the management and improvement of the common school funds and revenues, and for the better organization of common schools. He shall exhibit in tabular form all the statistical information obtained from the county auditors, as required by the preceding sections of this act, with accurate totals appended thereto. The Superintendent failing to make the full and complete report, as above prescribed, shall forfeit a sum equal to half the annual amount allowed him for clerk hire.

SEC. 132. He shall be *ex officio* a member of the Board of Trustees of the Institution for the Deaf and Dumb and for the Blind, his action being limited to their educational interests. He shall, with the Principal of the Institution for Mutes, grant diplomas in the name of the State to those pupils who have completed the full course, and passed satisfactory examinations on said course as laid down by the trustees of said Institution.

SEC. 133. He shall visit each county in the State at least once a year; examining the auditors' books as to the records of school funds and revenues; meeting with all school officers; counseling with teachers; and lecturing upon topics calculated to subserve the interests of popular education.

SEC. 134. He shall be *ex-officio* President of the State Board of Education, preside at all meetings thereof, propose such measures for consideration and adoption as in his judgment may best subserve the interests committed to said board, and increase the efficiency of their individual labors, and submit to said board for approval a catalogue of suitable works for school libraries. And when he may deem it necessary he shall submit to said board for approval a list of text books for use in the schools of the State.

SEC. 135. He shall receive and promptly determine appeals from school examiners, exercise such supervision over the school funds and revenues as may be necessary to ascertain their safety and secure their preservation and application to their proper object, and cause to be instituted, in the name of the State of Indiana, for the use of the proper fund or revenue all suits necessary for the recovery of any portion of said funds or revenues; and it is hereby made the duty of the proper circuit prosecuting attorney to prosecute all such suits at the instance of the superintendent.

SEC. 136. He may require of the county auditors, school examiners, county treasurers, township trustees, clerks and treasurers copies of all reports required to be made by them, and all such other information in relation to the duties of their respective offices so far as they relate to the condition of the school funds, revenues and property of the common school, and the condition and management of such schools as he may deem important.

SEC. 137. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports and the neces-

sary blanks therefor, and all necessary instructions for the better organization and government of common schools and conducting all necessary proceedings under this act.

SEC. 138. He shall cause as many copies of the acts of the General Assembly, in relation to the common schools, or the school funds, with necessary forms, instructions and regulations to be from time to time printed and distributed among the school townships, as he shall deem the public good requires.

SEC. 139. He may license teachers of common schools at pleasure, which license shall be good throughout the year.

SEC. 140. He shall supply each common school library with the legislative and documentary journals and the acts of each session of the General Assembly, and also the annual reports of the State Board of Agriculture, and his own annual reports.

SEC. 141. The Secretary of State shall take his receipt for such books and documents, which receipt shall be evidence of the proper disposal of such books and documents.

OF THE TOWNSHIP LIBRARIES.

SEC. 142. There shall be assessed and collected, as the State and county revenues are assessed and collected, on the list of property taxable for State purposes, the sum of one-tenth of a mill on each one dollar.

SEC. 143. The said taxes are hereby appropriated and shall be applied exclusively to the purchase of township school libraries, under the direction of the State Board of Education, but no sectarian or strictly party work shall be admitted into said libraries.

SEC. 144. The amount of said taxes, when collected, shall be paid by the county treasurers to the Treasurer of State, at the time of making their annual settlement, and shall be paid out by that officer upon the warrant of the Auditor of State.

SEC. 145. The Superintendent of Public Instruction shall superintend the purchase of township libraries, under such regulations as the State Board of Education may adopt, and report to said board his proceedings in relation thereto. And said board shall order the issuing of the warrants by the Auditor of State, for the payment of said purchases, from said library revenue.

SEC. 146. The State Board of Education shall, when such libraries have been received, cause the same to be distributed to the several townships in the State, under the direction of the State Superintendent, who shall apportion the same according to the population of the townships; *Provided*, however, that existing inequalities in township libraries shall first be corrected, and that an equal allotment be made to each of the State Prisons as is distributed to townships.

SEC. 147. Such libraries shall be in charge of the township trustees, shall be deemed the property of the township, and shall not be subject to sale or alienation for any cause whatever.

SEC. 148. Such trustee shall be accountable for the preservation of said libraries, may prescribe the time of taking and the period of retaining books, assess and recover damages done to them by persons entitled to their use, and adopt regulations necessary for their preservation and usefulness. And at the commencement of each school term, at each school house in their respective townships, shall cause a notice to be posted up stating where the library is kept and inviting the free use of the books thereof by the persons of their respective townships.

SEC. 149. Every family in the township shall be entitled to the use of two volumes at a time from said library, whether a member of any such family shall attend school or not.

SEC. 150. The trustee may deposit the library at some central point, or at any one or more eligible places in the township, for the convenience of scholars and families, and they may appoint for that purpose one or more librarians, to have the care and superintendence thereof.

SEC. 151. The library shall be open to all persons entitled to its privileges, throughout the year, without regard to school sessions.

MISCELLANEOUS PROVISIONS.

SEC. 152. The books and papers and accounts of any trustee relative to schools, shall at all times be subject to the inspection of the county auditor, and of the board of county commissioners of the proper county.

SEC. 153. For the purpose of such inspection, said board of county commissioners and auditor may, by subpoena, summon before them any such trustee and require the production of such books, papers and accounts, three days' notice of the time to appear and produce them being given.

SEC. 154. If such books and accounts have been imperfectly kept, said board of commissioners may correct them; and if fraud appear, shall remove the person guilty thereof.

SEC. 155. Process in suits against a school township, town or city, shall be by summons executed by leaving a copy thereof with the trustee of such township, town or city ten days before the return day thereof; and in case of an appeal, similar notice of the time of hearing thereof shall be given.

SEC. 156. Suits brought on behalf of a school township shall be brought in the name of the State of Indiana, for use of such township, town or city.

SEC. 157. An appeal shall be allowed from the decision of the trustee relative to school matters to the school examiner, and thence in all cases, except such as relate to the establishment of schools and the location, building, repair or removing school houses, or transfer of persons for school purposes, to the State Superintendent, whose decision shall be final; and the rules which govern appeals from jus-

tices of the peace to the Common Pleas or Circuit Courts shall apply to such appeals as far as applicable.

SEC. 158. Any person who shall sue for or on account of any decision, act, refusal or neglect of duty of the township trustee, for which he might have had an appeal according to the provisions of the preceding section, shall not recover costs.

SEC. 159. The common school shall be taught in the English language: *Provided*, however, That other languages in addition to the English may be taught as a branch of Education.

SEC. 160. The county commissioners of each county are required to conform the boundary of their civil townships to those of congressional townships, as far as it is practicable so to do.

SEC. 161. The proper trustee may, whenever a school house shall have been removed to a different location, or a new one erected for the school in a different place, if the land whereon the same is situated belongs, unconditionally to the township or city, sell the same when in his opinion it is advantageous to the township, town or city so to do, for the highest price that can be obtained therefor, and upon the payment of the purchase to the township, town or city treasurer, he shall execute to the purchaser a deed of conveyance, which shall be sufficient to vest in in such purchaser all the title of such township, town or city thereto. The money derived from such sales shall be a part of the special school revenue.

SEC. 162. When any officer authorized to sell school lands shall have sold any lands without a title thereto, such officer, or his successor in office, may convey such other lands of equal value, as may be agreed upon between such officer and the purchaser, his heirs or assigns, or failing to make such agreement, the purchase money, with interest, shall be repaid to such purchaser, his heirs, executors, administrators, or assigns; but no such purchase money shall be thus repaid until the proper prosecuting or district attorney shall have investigated the facts of the case, and certified to the correctness of the claim.

SEC. 163. The county auditors of the several counties of this State, shall, immediately upon the taking effect of this act, open an account upon their books with each of the congressional townships of their respective counties, whose funds are managed by them, and transfer to such account, from the common school fund account, the principal of the congressional township fund, as it existed before its consolidation with the common school fund, and shall thereafter keep a separate account of the principal and interest of the congressional township fund of each township.

SEC. 164. Where the whole of the school funds of a county have been loaned, the auditor will apportion to each congressional township a sufficient number of mortgages to cover the principal of its congressional township fund, and where a part of the school funds only are loaned the auditor will so apply a proportional amount; and the cash on hand, when loaned, shall be for the benefit of the congressional townships respectively to the amount of the entire prin-

cipal of their congressional fund, and all loans made after the taking effect of this act, the note and mortgage, shall specify the particular fund borrowed.

STATE BOARD OF EDUCATION.

SEC. 165. The State Board of Education shall consist of the State Superintendent of Public Instruction, and the Governor, Treasurer, Auditor of State, and Secretary of State, and Attorney General, who shall meet at Indianapolis, on the call of the President, for the purpose of more effectually promoting the interests of education by mutual conference, interchange of views, and experience of the practical operations of the system, the introduction of uniform text books, and the discussion and determination of such questions as may arise in the practical administration of the system.

SEC. 166. All laws heretofore enacted on the subject of common schools, and all other laws and parts of laws in conflict with this act, are hereby repealed.

SEC. 167. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore it shall take effect from and after its publication in the Indiana Journal and Indiana State Sentinel.

Mr. Stotsenburg offered the following:

Amend the 12th section, in the 3d line thereof, by striking out the word "five," and inserting the word "seven."

On motion by Mr. Grover,

The further consideration of the bill was postponed and made the special order of the day for Wednesday next, at 10 o'clock.

Message from the Governor, by Mr. Holloway, Executive Messenger.

MR. SPEAKER:

I am directed by the Governor to inform the house that he has approved and signed—

House bill No. 190. An act to provide for the expenses of the present session of the legislature.

INTRODUCTION OF BILLS—CONTINUED.

House bill No. 286. A bill to provide for the compensation of the

Judge of the Court of Common Pleas, and repealing all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

House bill No. 287. A bill to amend an act, entitled "an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21, 1852.

Which was read a first time and passed to a second reading.

House bill No. 288. A bill to provide for the detection and arrest of felons.

Which was read a first time and passed to a second reading.

House bill No. 289. A bill to provide for the investment of the Sinking Fund five per cent. and two and a half per cent. State Stock.

Which was read a third time and passed to a second reading.

By Mr. Orr,

House bill No. 290. A bill to amend an act, entitled "an act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people, approved March 3, 1859.

Which was read a first time and passed to a second reading.

House bill No. 291. A bill supplemental to, and to amend the first section of an act, entitled "an act to enable trustees to receive lands and donations, and convey the same, for the use of schools, churches, religious societies, Masonic and Odd Fellow Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned, approved June 17, 1852.

Which was read a first time and passed to a second reading.

House bill No. 292. A bill for the establishment of a State Normal School.

Which was read a first time and passed to a second reading.

Mr. Davis offered the following:

Resolved, That no member of this House shall be allowed to speak more than 10 minutes on any one subject.

Which was laid over under the rule.

Mr Stotsenburg offered the following:

WHEREAS, The old soldiers of the war of 1812, are desirous to procure the Hall of the House for the purpose of holding a convention, therefore,

Resolved, That the use of the House be granted to the Old Soldiers this afternoon, and that when the House adjourns, it shall adjourn until 9 o'clock to-morrow morning.

Which was agreed to.

On motion by Mr. Cameron,

The House adjourned.

THURSDAY MORNING, 9 O'CLOCK, }
February 14, 1861. }

The House met.

On motion by Mr. Orr,

The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. McLean,

A memorial from the Grand Division of Sons of Temperance, praying for the establishment of an asylum for inebriates.

Which,

On motion,

Was referred to the Committee on Temperance.

By Mr. Lane,

Sundry petitions from citizens of Putnam, Parke and Montgomery

counties, asking the repeal of the act of 1859, authorizing the formation of new counties out of an area of two hundred square miles, &c.

Which were read and referred together, to the Committee on County and Township Business.

By Mr. Epperson,

Sundry petitions praying for the repeal of the law authorizing the formation of new counties.

Which,

On motion,

Was referred to the Committee on County and Township Business.

By Mr. Robbins,

A petition from sundry citizens of Fulton county, on the disturbed condition of our national affairs.

Which,

Under the rule,

Was referred to the Select Committee of Thirteen.

By Mr. McLean,

A petition from sundry citizens of the State, asking the repeal of the amendments of the general divorce law of the State, passed at the last session of the Legislature.

Which was read and referred to the Committee on the Judiciary.

By Mr. Dashiell,

A petition from I. C. Kennedy, asking the enactment of a special special law authorizing the admission of Nancy C. Kennedy into the State Hospital for the Insane.

Was read and referred to the Committee on Benevolent Institutions.

By Mr. Fleming,

A petition from sundry citizens of Dubois county, on the subject of a change of county boundaries.

Which,

On motion,

Was referred to the Committee on County and Township Business.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed to bring to the House, for the signature of the Speaker and Clerk thereof, the following enrolled joint resolution of the Senate, to-wit:

Senate joint resolution No. 8. A joint resolution instructing our Senators, and requesting our Representatives in Congress, to use their influence to secure the passage of a Homestead bill.

A message from the Senate by Mr. Tynner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

House bill No. 152. A bill to amend section nineteen of an act, entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, approved March 5, 1859.

Mr. Dobbins obtained leave of absence, on account of sickness.

REPORTS FROM STANDING COMMITTEES.

Mr. Veatch, from the Committee on Banks, made the following report:

MR. SPEAKER:

The Committee on Banks, to whom was referred House bill No. 62, to "authorize the Bank of the State of Indiana to lay off and establish five additional bank districts and to establish branches therein," have had the same under consideration, together with the amendments proposed to the same, and have directed me to report said bill back to the House and recommend its passage, and that the amendments here returned, be laid on the table.

In support of the bill, the Committee would offer the following reasons: The charter of the bank allows not more than twenty branches to be established, and the number was located shortly after the organization of the bank. These twenty branches were not distributed over the State in such a manner as to afford the whole people the greatest amount of banking advantages, but were crowded together in some parts of the State where they really were not so much need-

ed, and other parts were left destitute where trade and commerce demanded the use of bank capital. It is unnecessary, in this report, to allude to the cause that operated in fixing the distribution of branches so unequally over the State; they are now located, and there is no power of removal.

The 91st section of the bank charter reserves the right in the State to authorize the establishment of additional bank districts and branches, with the consent of the board of directors of two-thirds of the branches then organized; any other amendment of the charter can only be made by the unanimous consent of every branch.

To remedy the injustice done in locating the first original branches, and to grant banking facilities urgently demanded by the people in those portions of the State left destitute, is the object of the bill.

It does not propose to grant any new powers to the bank, nor to increase the capital stock, but simply to allow the bank to locate five additional branches for the benefit of the people of those cities, towns and districts where they are needed, so that the capital stock now owned, instead of being concentrated at a few points, and giving unnecessary stimulus to trade and business, leading to speculation and an unhealthy state of credit, may be so divided as to afford the greatest good to the greatest number, and to place the different portions of the State more upon an equality in commercial advantages.

No one doubts the soundness of the Bank of the State. Its credit stands high everywhere. Its paper is sought after by all classes. It is managed by prudent and skillful men, and a branch would be regarded as a great advantage to any part of the State, where banking facilities are needed.

The principal objection urged against extending the number of branches is that the bank is not liable to taxation for municipal purposes upon its capital stock, and it is insisted that no more branches shall be established unless the bank will surrender this privilege in its charter.

Without entering into and discussing whether such a provision ought to have been allowed in the charter, it is ample for us to say that *it was allowed*, and that it has been tested in the courts and sustained. It is then a settled question, and the bank, like a private individual, is not likely to surrender a privilege, fully granted and established.

But we think that the question ought not to influence the action of the House in extending Branches. Every city and town that was so fortunate as to get a branch knew well the condition upon which it was obtained, and they very willingly gave up the right of municipal taxation to obtain the benefits arising from the location of a branch of the bank.

And any other city or town that desires a bank will freely consent to the same for the purpose of obtaining it. If there was any possibility of a branch being forced on the people against their will, then there would be some real weight in the objection urged. But this is not a measure desired by the bank. The bank is well enough situ-

ated—for the advantage of the capitalists owning the stock no more branches are desired, and none will ever, under the bill, be extended to any community that does not desire it.

The question of municipal taxation is one purely local, and does not effect the interests of the State, and we are assured that it will be impossible to get the unanimous consent of the branches to any amendment on the subject of municipal taxes.

Any such proposition, then, looks to the entire defeat of the bill, and it is no more nor less than the voice of the cities and towns that now have branches, saying: "We are enjoying privileges and advantages which other parts of the State have not, and we will make these privileges exclusive by coupling with any extension of them conditions which we know will never be accepted." And the result will be to encourage and build up certain localities and to deprive others equally desirous of that legislative aid which the favored portions now enjoy. It should be the object of all legislation to look to the advantage of the whole State.

The Bank of the State will for nearly twenty years furnish the greater portion of circulation and exchange for the business of the State. It has its chartered rights, which you cannot take away. It is not proposed to give it any greater powers or release it from any obligations, but to legislate so that the people shall more easily avail themselves of its benefits, and that its advantages shall be felt equally in the different parts of the State. To refuse the extension of branches is not to refuse a favor to the bank, but to the people. It is a matter of no consequence to the bank. Its stockholders can employ all their capital allowed by the charter (and double that amount if it were allowable) in the locality of the present branches; but it is a question of vital importance to the people of those portions of the State having no branches within their reach, and to refuse an extension is to refuse to do them justice.

The question being on concurring in the report of the Committee,

Mr. Cameron moved the previous question,
Which was seconded.

The question being, shall the main question be now put,
It was agreed to.

The question being on concurring in the report,

Messrs. Stotsenburg and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brucker, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Feagler,

Fisher, Fordyce, Frasier, Goar, Grover, Harvey, Henricks, Hopkins, Hudson, Hard, Jenkinson, Jones of Vermillion, Kendrick, Lane, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Orr, Owens, Ragan, Randall, Sherman, Sloan, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Cason, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Erwin, Ferguson, Fleming, Ford, Fraley, Gifford, Hayes, Holcomb, Horton, Howard Jones of Tippecanoe, Jones of Wayne, Kitchen, Knowlton, Lods, Lee, McClurg, Mutz, Newman, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Warum and Woods—41.

So the report was concurred in.

Mr. Stotsenburg offered the following amendment:

SEC. 2. That the several branches of the Bank of the State of Indiana, shall be taxed upon the full amount of their capital stock subscribed and paid in, and shall be subject to the same rate of taxation on said stock for State, county and municipal purposes, as is assessed upon other personal property, and the stock of other monied corporations in the State of Indiana for State, county and municipal purposes which shall be assessed to the branches and paid by such branches instead of being paid by the stockholders.

SEC. 3. It shall not be lawful for the said bank nor any of its branches to issue notes for circulation upon deposits, anything in the charter of incorporation of said bank to the contrary notwithstanding.

SEC. 4. It shall be lawful for the said bank and its branches to charge and receive for money loaned the legal rate of interest established by law in this State, and not more, and they shall not take interest in advance upon sums loaned, nor shall they upon bills of exchange, foreign or domestic, in the buying, selling or discounting thereof, compel their customers to be charged with and pay more than the general legal rate of interest established by law.

SEC. 5. That nothing in this act contained shall be so construed as to authorize the Bank to accept a part of this act without accepting the whole of the same, and this act shall be taken and held to be a part of the charter of said Bank from and after the acceptance of the same.

Mr. Veatch moved to lay the amendment on the table.

Messrs. Packard and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Collins of Whitley, Crain, Dashiell, Epperson, Feagler, Fisher, Fordyce, Frasier, Goar, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Lane, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Campbell, Cason, Collins of Adams, Combs, Coopridge, Davis, Dobbins, Erwin, Ferguson, Fleming, Fraley, Gifford, Hayes, Holcomb, Horton, Howard, Jones of Tippecanoe, Kitchen, Knowlton, Lods, Lee, McClurg, Moss, Mutz, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum and Woods—41.

So the amendment was laid on the table.

Mr. Dobbins offered the following amendment:

Amend in the proper place—

SEC. —. That if said bank be authorized to establish said branches, said bank shall accept such modification of its charter that only one-fourth of the capital paid in can be used in making loans upon bills of exchange payable out of this State, the remaining portion to be used for the purpose of discounting notes payable at some one of the branches of said bank, and further said bank and branches thereof shall not receive, contract for, or take directly or indirectly, including exchange or otherwise any greater rate of interest than six per centum per annum.

Mr. Jenkinson moved to lay the amendment on the table.

Messrs. Jenkinson and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Black, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Ep-

person, Feagler, Fisher, Fordyce, Fraley, Frasier, Gore, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods, Mr. Speaker.—56.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Brett, Cason, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Ferguson, Fleming, Ford, Gifford, Hall, Hayes, Holcomb, Horton, Howard, Jones, of Tippecanoe, Kitchen, Knowlton, Lods, McClurg, Moss, Mutz, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum.—38.

So the amendment was laid on the table.

Mr. Veatch moved to consider the bill as engrossed, and read a third time now.

Mr. Comeron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on the motion to consider the bill as engrossed, and read a third time.
Which was agreed to.

House^e bill No. 39, was read a third time, and the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brucker, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Feagler, Fisher, Fordyce, Frazier, Gore, Grover, Harvey, Henricks, Hopkins, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Lane, Lightner, McLean, Moorman, Nebeker, Orr, Owens, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, and Mr. Speaker.—46.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Bundy, Cason, Collins

of Adams, Combs, Cooprider, Davis, Dobbins, Ferguson, Fleming, Ford, Fraley, Gifford, Hall, Hayes, Holcomb, Horton, Howard, Hudson, Jones of Tippecanoe, Jones of Wayne, Kitchen, Knowlton, Lods, Lee, McClurg, Moss, Mutz, Newman, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum, and Woods.—46.

So the bill did not pass.

The Speaker laid before the House the following communication, with accompanying documents, from the Superintendent of Public Instruction :

STATE OF INDIANA: }
DEPARTMENT OF PUBLIC INSTRUCTION, OFFICE OF SUPERINTENDENT, }
Indianapolis, February 13, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives :

SIR:—Permit me to present herewith, through you, to the body over which you preside, my official report as Superintendent of Public Instruction, which is the ninth annual report from this department.

There is an appendix to said report, containing the usual statistical tables, the printing of which is not yet completed, and hence it does not appear herewith.

Your obedient servant,

SAMUEL L. RUGG,
Superintendent of Public Instruction.

On motion,

The report and documents were referred to the Committee on Education.

Messrs. Edson and Feagler obtained leave of absence, on account of sickness.

Mr. Brucker obtained leave of absence till Monday next, at 2 o'clock P. M.

SPECIAL ORDER OF THE DAY.

The hour of ten o'clock having arrived, for the consideration of House bill No. 39, the same was called up.

No. 39. A bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith.

Mr. Nebeker moved to postpone the consideration of this bill till eleven o'clock A. M.

Which was agreed to.

The House resumed the consideration of House bill No. 39.

On motion,

The House resolved itself into a committee of the whole, with Mr. McLean in the Chair.

After remaining in session for some time, the Committee rose and made the following report through its Chairman:

MR. SPEAKER:

The Committee of the whole, to whom was referred House bill No. 39, have had the same under consideration, and desire me to report progress, and ask leave to sit to-morrow at 9 o'clock.

Which was concurred in.

On motion by Mr. Cameron,

House bill No. 50 was taken from the table, and referred to the Committee on the Judiciary.

Mr. Branham moved to suspend the order of business, and take up House bill No. 192.

Which was agreed to.

Mr. Branham moved to reconsider the vote ordering 300 copies printed.

Which was agreed to.

On motion by Mr. Branham,

The bill was referred to the Committee on the Judiciary.

Mr. Jenkinson moved to make House bill No. 5 the special order of the day on Monday next, at 3 o'clock P. M.

On motion by Mr. Bingham,

The House adjourned till to-morrow morning, at 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
February 15, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Haworth,

The reading of the Journal was dispensed with.

Mr. Fisher moved to pass over, informally, the order of the day to enable him to offer a resolution.

Messrs. Fisher and Woodhull demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Bryan, Bundy, Campbell, Collins of Whitley, Collins of Adams, Crain, Dashiell, Feagler, Ferguson, Fisher, Fordyce, Fraley, Grover, Haworth, Holcomb, Hopkins, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, Moorman, Newman, Orr, Parrett, Randall, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Williams, Wilson, and Woodhull—41.

Those who voted in the negative were,

Messrs. Bingham, Black, Brett, Burgess, Cameron, Combs, Coop-
rider, Davis, Epperson, Fleming, Ford, Gifford, Goar, Gresham,
Hayes, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones
of Tippecanoe, Kitchen, Lods, Lane, McClurg, McLean, Moss, Mutz,
Nebeker, Polk, Prosser, Prow, Robbins, Roberts, Sherman, Smith of
Bartholomew, Warrum, Woods and Mr. Speaker—39.

So the motion prevailed.

Mr. Fisher moved to suspend the order of business, to enable him to offer a resolution.

Messrs. Fisher and Bundy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Branham, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiel, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, Moorman, Nebeker, Newman, Orr, Parrett, Polk, Randall, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, and Woods—63.

Those who voted in the negative were,

Messrs. Bingham, Black, Brett, Burgess, Fleming, Ford, Gresham, Grover, Horton, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Knowlton, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Prosser, Prow, Robbins, Roberts, Sherman, Smith of Bartholomew, Warrum and Mr. Speaker—28.

So the order of business was suspended, and the following resolution read :

WHEREAS, The Constitution of the State of Indiana provides that every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit; and whereas, it is notorious that a challenge has been given by G. C. Moody, Representative from the County of Jasper, to Horace Heffren, Representative from the counties of Washington and Harrison, to fight a duel, and that said challenge was accepted by said Heffren, and that said parties went out of this State for the purpose of fighting a duel, therefore be it

Resolved, That the said G. C. Moody, Representative from the County of Jasper, and the said Horace Heffren, Representative from the Counties of Washington and Harrison, be, and they are hereby expelled from this House.

Mr. Veatch moved to refer the resolution to a select committee of three.

H. J.—30.

Mr. Holcomb offered the following amendment:

WHEREAS, It is currently rumored, and generally believed, that a portion of the members and officers of this House have been engaged in giving, carrying and accepting challenges to fight a duel, and accessory thereto, and for this purpose have, by agreement, went out of the State in violation of the Constitution they have sworn to support, therefore,

Resolved, That a committee of five be appointed to investigate the matter, and report to this House at as early a day as possible, what action is necessary and proper to vindicate the honor and maintain the dignity of the House, and that they have power to send for persons and papers.

On motion,
Laid upon the table.

Mr. Bundy moved to lay the amendment on the table.
Which was agreed to.

Mr. McLean moved to lay the motion made by Mr. Veatch on the table.
Which was not agreed to.

Mr. Bundy moved to amend the motion made by Mr. Veatch, by making the committee five instead of three.
Which was accepted by the mover.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put.
It was so ordered.

The question being, shall the resolution be referred to a select committee of five?
It was so referred.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have examined and carefully compared enrolled House bill No. 152 with the original, and find it correctly enrolled.

ORDERS OF THE DAY.

The hour having arrived for the consideration of House bill No. 39, the House resolved itself into a Committee of the Whole, with Mr. McLean in the Chair.

After remaining in session sometime, the Committee rose and made the following report:

Mr. McLean, from the Committee of the Whole House made the following report:

MR. SPEAKER:

The Committee of the whole House, to whom was referred House bill No. 39, a bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

Which was concurred in.

Mr. Fisher offered the following amendment:

Amend by adding to the 11th section: *Provided*, That all proceedings commenced, to change county boundaries under the act of 1857, shall be continued and determined and continued according to the provisions of said act.

Mr. Prosser moved to lay the amendment on the table.

The question being on laying the amendment on the table,

Messrs. Frasier and Collins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Brett, Bryan, Cameron, Campbell, Combs, Coopridger, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fleming, Ford, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Randall, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Woodhull and Woods—62.

Those who voted in the negative were,

Messrs. Atkinson, Black, Branham, Bundy, Cason, Collins of Whitley, Collins of Adams, Davis, Fisher, Fordyce, Gifford, Hayes, Holcomb, Jones of Tippecanoe, Kitchen, Knowlton, Lods, Lee, Lightner, Polk, Prow, Robbins, Sherman, Stotsenburg, Warrum, Wilson, and Mr. Speaker—27.

So the motion prevailed.

Mr. Nebeker moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 39 was read a third time, and the question being, shall the bill pass,

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Bryan, Bundy, Cameron, Campbell, Combs, Coopridger, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fleming, Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Horton, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Roberts, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull and Woods—73.

Those who voted in the negative were,

Messrs. Atkinson, Cason, Collins of Whitley, Davis, Fisher, Fordyce, Hayes, Holcomb, Lee, Lightner, Robbins, Stotsenburg, Wilson and Mr. Speaker—14.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Messrs. Epperson, Mutz, Horton, Robbins, Jenkinson and Orr, were granted leave of absence till Monday next, and Messrs. Prow and Owens till Tuesday next.

On motion by Mr. Frasier,

The order of business was suspended and reports from Standing Committees were taken up.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 172, introduced by Mr. Kendrick, entitled an act to amend section one and two of an act entitled "an act prescribing the number and defining the powers and duties of constables," approved May 27, 1852, have had the same under consideration, and instruct me to report back to this House that in the opinion of said Committee further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and bill No. 172 laid on the table.

Mr. Branham from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 132, entitled an act to amend the thirty-third section of an act entitled "an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Auditor and Treasurer of State," approved June 21, 1852, have had the same under consideration, and have instructed me to report the same back to the House, and recommend that it be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Jones of Wayne, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee of Ways and Means, to whom was referred House bill No. 164, to authorize the Auditor of State to loan the fund derived from estates without heirs, have had the same under consid-

eration, and have instructed me to present to the House, the following bill in lieu of the one submitted to them.

House bill No. 237. A bill to provide for the paying over of funds arising from estates without heirs to the Commissioners of the Sinking Funds.

The report was concurred in, and the bill read a first time and passed to a second reading.

Mr. Fisher, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee on Ways and Means, to whom was referred House bill No. 145 : a bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers auditors, and Treasurer and Auditor of State ; have had the bill under consideration, and have directed me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Grover from the Committee on Education, made the following report :

MR. SPEAKER :

The Committee on Education, to whom was referred joint resolution No. 6, "proposing an amendment to article 8 of the constitution so as to enable cities, townships and towns to levy taxes for the support of common schools," have had the same under consideration, and direct me to report the same back with the following amendment, and when so amended recommend its passage—

Amend 1st. Strike out the word "funds" in section nine, seventh line, and insert the word "revenue."

2d. Insert after the word "derived, in section nine, seventh line, the words "for that purpose."

The report was concurred in, and the amendments adopted.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Bryan,

Buny Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridier, Crain, Dashiell, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Atkinson, Black, Combs, Davis, Fleming, Ford, Goar, Jenkinson, Knowlton, Owens, Smith of Bartholomew, Trier and Warrum—13.

So the joint resolution was adopted.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grover, from the Committee on Education, made the following additional report :

MR. SPEAKER:

The Committee on Education, to whom was referred joint resolution No. 12, "proposing an amendment to the 23rd section, article 4, of the Constitution, so as to provide for laws enabling cities, townships and towns to raise money for the support of common schools," have had the same under consideration, and direct me to report it back and recommend its passage.

On motion,
The report was concurred in.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Bryan, Bundy, Cameron, Campbell, Cason, Collins, of Whitley, Collins, of Adams, Coopridier, Crain, Dashiell, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jones, of Tippecanoe, Jones, of Vermillion, Jones, of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McLean, Moorman, Moss, Newman, Orr,

Packard, Parrett, Pitts, Polk, Prosser, Randall, Robbins, Roberts, Sherman, Sloan, Smith, of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods, and Mr. Speaker.—70.

Those who voted in the negative were,

Messrs. Atkinson, Black, Combs, Davis, Ford, Gore, Howard, Jenkinson, Knowlton, McClurg, Owens, Prow, Smith of Bartholomew, Trier and Warrum—16.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate.

Messrs Henricks and Ragan obtained leave of absence till Monday next.

Mr. Grover, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 10, "a bill authorizing county libraries to loan certain funds, and regulating the same," have had the same under consideration, and direct me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Packard,

House bill No. 108 was taken from the table, and referred to the Committee on the Judiciary.

Mr. Roberts moved to instruct the Committee as follows:

Amend House bill No. 108, in section seven, as follows:

Insert in line five, after the word "individual," "one-half of which fee shall be appropriated to the use of common schools."

Which was referred to the Committee.

Mr. Stotsenburg, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the organization of Courts, to whom were referred House bill No. 118, entitled "an act authorizing Judges of Circuit and Common Pleas Courts to make certain orders in vacation." would beg leave to report that they have examined the provisions of said bill, and would respectfully recommend the passage thereof. The bill gives judges power to make orders for the benefit of suitors in circuits and districts in counties, other than the one in which the judge resides; under the present law, he can only act for the county in which he resides, upon suits therein. It also empowers them to permit amendments in pleading during vacation, and to allow depositions to be retaken. This latter power, in the opinion of your Committee, will facilitate the trial of causes, and prevent many of the vexatious delays which our citizens are now subjected to.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parrett from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 127, a bill entitled "an act to give the custody and control of the records and papers of the former Probate Court of the different counties of this State, to the Clerk of the Court of Common Pleas, and authorizing them to make and certify transcripts of the same," have had the same under consideration, and direct me to report said bill back to the House, and say that, in the opinion of your Committee, grave doubts exist as to whether any officer is properly authorized to perform the acts referred to in said bill, and as great injustice might be done on account of the absence of such authority, in the opinion of your Committee, legislation on the subject is inexpedient, and they therefore recommend the passage of said bill.

The report was concurred in, and the bill, No. 127, ordered to be engrossed.

Mr. Newman, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 101, providing for the repeal of an act extending the term of Circuit Courts by adjournment, authorizing judges to

call special terms, &c., have had the same under consideration, and direct me to report said bill back, and recommend its reference to the Committee on the Judiciary.

The report was concurred in, and the bill was so referred.

Mr. McClurg, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred a resolution instructing them to inquire into the propriety of enacting a law making it the duty of non-resident parties bringing suits in any of the Courts of this State, to pay into the County Treasury five dollars, to be applied in sustaining Courts of Justice, have had the same under consideration, and direct me to report that legislation on that subject is inexpedient.

The report was concurred in, and

Mr. Bingham, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 155, introduced by Mr. Underwood, "A bill fixing the time for holding the Circuit Court in the thirteenth Judicial Circuit, have had the same under consideration, and have directed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Bingham, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 165, entitled a bill to amend section three of an act entitled, "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and to repeal all laws inconsistent therewith," approved March 5th, 1859, have had the same under consideration, and

direct me to report said bill back to the House, and recommend the passage thereof.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Bingham, from the same Committee, made the following additional report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 185, an act entitled "an act to provide for numbering the several districts of the Court of Common Pleas of the State of Indiana," have had the same under consideration, and direct me to report said bill back to the House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Grover asked and obtained leave to introduce the following resolution:

Resolved, That the Auditor of State be requested to report to this House the respective amounts of the following named funds now held in trust in any way by the State, including the amount now nominally in the treasury, loaned out or otherwise held; and the dates at which said amounts accrued to the State and were paid into the State Treasury, together with the interest on each amount at six per cent. per annum from the date of accruing to the State up to October 1st, 1861, viz.:

The fund derived from Estates without Heirs.

The fund derived from Military Fines.

The surplus Revenue Fund.

The Saline Fund.

The Bank Tax Fund.

The fund derived according to the provisions of section seven, page 103, vol. 1, Revised Statutes of 1852, from the sale of animals running at large.

Which was adopted.

Mr. Prosser, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred

House bill No. 179: "an act regulating estrays and articles adrift, and repealing all laws conflicting with the provisions of this act," have had the same under consideration, and direct me to report that they deem further legislation on the subject inexpedient. They therefore recommend that the bill lie on the table; all of which is respectfully submitted.

On motion,

The report and bill were recommitted to the Committee on Rights and Privileges.

SPECIAL ORDER.

The hour having arrived for the consideration of House bill No. 17, the same was taken up, and,

On motion by Mr. Packard,

The further consideration of said bill was postponed till Thursday next at 10 o'clock, and made the special order of the day.

Mr. Lee, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 157 : a bill to repeal so much of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852, as authorizes holding district and State boards of equalization, having had the same under consideration, and direct me to report that further legislation is inexpedient, and recommend that the bill be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Orr, from the committee on Rights and Privileges made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred the petition of George Shigley and others of Fountain county, Indiana, asking to so amend the highway laws of the State, so as to permit persons owning the lands upon which any highway is constructed, to change the same without petition, upon their own land at their own expense, making said new road as good as the old one, and when said

change will not increase the distance to exceed ten per cent of the whole distance of said change, and upon the completion of said change, and construction of said new road that the owner or owners of the land make proof of the same to the board of commissioners of the proper county, and that said board be authorized to order the same to be entered of record and the change to be made—have had the same under consideration, and have directed me to report that in the opinion of the Committee, it would be inexpedient to grant said petitioners' request, and recommend that said petition be laid on the table.

Which was concurred in.

Mr. Orr, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 171 : an act to amend the fifteenth section of an act entitled "an act concerning promissory notes and bills of exchange," approved May 12, 1852, have had the same under consideration, and believing that the present law is much better than the proposed amendment; therefore the said Committee is of the opinion that it would be inexpedient to amend or change said fifteenth section, and have instructed me to report said bill back, and recommend that it be laid on the table.

The report was concurred in, and the bill laid on the table.

Mr. Hurd, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 148 and accompanying amendment, being "an act limiting the time within which prosecutions for crimes and misdemeanors must be commenced, and repealing all laws inconsistent therewith," are of the opinion, after examining the present laws, that any further legislation would be inexpedient, and that the same lay on the table.

The report was concurred in, and the bill laid on the table.

Mr. Smith, of Bartholomew, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 32: a bill to provide for the rights of married women in cases of the sale of the lands upon execution, or by virtue of any judicial proceeding, and in all other cases where the wife does not consent to the sale, have had the same under consideration, and instruct me to report the same back, and say they deem any legislation in conformity with the bill unwise and inexpedient, and recommend that it lay upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to which was referred House bills Nos. 149 and 150, relating respectively to the election of a Surveyor-General for the State, and to the election of county surveyors, and prescribing their powers and duties, beg leave to report, that they have had the same under consideration, and a majority of them are of opinion that the bills are calculated to properly systematise the survey department of the State.

The Committee learn, that the bills as presented, are the results of the deliberations of a convention of the surveyors of the State, (called some weeks since,) and that they were unanimously agreed upon by that convention.

The Committee are of the opinion, that to create a Head of Department for the survey system of the State, is proper and expedient, more especially so, when the office may be created without salary, as the bill contemplates and provides.

Our statute books are almost destitute of law on the important subject of surveys, and we are cognizant of the fact, that a total want of system and uniformity of action among surveyors, exists throughout the State, and that delay in inaugurating a proper system, but increases our exposure to contentions and litigation.

These bills propose to legalize general rules for subdividing lands, determining boundaries, making records, and provide penalty for neglect of this important duty; they make provisions for standard measures and true meridians; they set forth proceedings under which surveys shall be made and legalized, provide for appeals, and embrace other matters essential to a proper organization with a general head of department, calculated to secure uniformity of action and practice.

The Committee recommend the passage of the bills without amendment.

Mr. Frasier moved the bills lay on the table, and 200 copies be printed.

Mr. Fisher called for a division of the question.
Which was ordered.

The question being on printing 200 copies of House bill No. 149,

Mr. Holcomb moved to lay the motion to print, on the table.
Which was agreed to.

Mr. Crain moved to lay the whole subject on the table.
Which was agreed to.

Mr. Prosser moved to reconsider the vote just taken.

Mr. Packard moved to lay the motion to reconsider, on the table.
Which was agreed to.

Messrs Randall and Howard, were granted leave of absence till Monday next.

Mr. Branham moved to suspend the order of business and take up House bill No. 190.

Which was not agreed to.

House bill No. 190. A bill to provide for the expenses of the present session of the Legislature,

Was read a third time.

By unanimous consent, Mr. Branham moved to add the following section:

Inasmuch as an emergency exists for the immediate taking effect of this act, it is therefore declared to be in force from and after its passage.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins

of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frazier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—82.

Those who voted in the negative were,

Messrs. Howard and Jenkinson—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

The Speaker at 1 o'clock declared the House adjourned till to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
February 16, 1861. }

The House met.

On motion by Mr. Gifford,

The reading of the Journal was dispensed with.

REPORTS FROM STANDING COMMITTEES.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 64, have had the same under consideration, and have directed me

to report that in their opinion said bill ought to be amended by striking out all after the enacting clause, and inserting the following:

“That it shall be lawful for any non-resident alien to acquire real estate in this State by descent or devise, and to hold, sell, alienate, and convey the same as if he or she were a citizen of the United States; but the time during which such alien may thus hold, sell, alienate, and convey said real estate, shall expire eight years after the final settlement of the decedent’s estate from which said real estate was derived; and in the case that said alien should be a minor, his or her guardian or curator shall have the right to hold, sell, alienate, and convey said real estate for the benefit of said minor during the time specified in this section.

SEC. 2. If the aforesaid non-resident alien who has thus acquired by descent or devise, title or right of possession of real estate for a limited time, as specified in the preceding section of this act, should die before the expiration of that time, and holding title or right of possession of said real estate, then his heirs or devisees, if they are likewise non-resident aliens, shall acquire and hold said real estate under and with the provisions of the preceding section of this act; but if they are citizens or *bona fide* residents of the United States, they shall inherit and succeed as they would have done if their ancestor or devisor had been a citizen of the United States.”

And if so amended, the committee recommend the passage of the bill.

The report was concurred in and the bill ordered to be engrossed.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 7, “entitled an act supplemental to an act concerning real property and the alienation thereof,” approved May 6th, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in.

Mr. Veatch, Chairman of Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 189, authorizing the arresting of fugitives from justice, introduced by Mr. Stotsenburg, have had the same under consideration and direct me to report said bill back to this House and recommend that it be laid on the table.

The bill contains many good provisions on the subject, being almost an exact copy of the Statute of 1838 (see Revised Statutes 1843, page 1030); but the first section is highly objectionable. It gives the power to every Court, *including even justices of the peace*, upon complaint, charging any person with having committed a crime in any state or territory, to have such person arrested, and upon a mere preliminary examination, to order such person to be carried out of the state and to be removed to the state or territory from whence he is charged to have fled.

This power is a very dangerous one and ought to be exercised but with the greatest caution.

The *liberty* of the *citizen* in every respect ought to be held sacred, and should never be abridged unless forfeited by crime. To give Courts the power, in the summary way, to dispose of the liberty of the citizen, cannot be looked upon in any other light than as hostile to the spirit of our institutions.

But there is still a graver objection in a legal point of view. It is clearly and manifestly in conflict with the Constitution of the United States, and would therefore be void.

The power of legislation in relation to fugitives from justice and labor, rests exclusively in Congress, and the laws of the states prescribing the mode of arresting such fugitives escaping from states, are unconstitutional." *Degaut v. Michael*, 2 Ind. 396.

Indiana had upon her statute book from about the time of the organization of the state up to the year 1850, statutes authorizing the arrest of fugitives from justice and labor who had fled from other states into this; but the celebrated case of *Prigg v. Pennsylvania*, decided by the Supreme Court of the United States, in the year 1842, swept these away (see 16 Peters, 539), and the revisors of our statutes left these unconstitutional enactments out of our code.

It would certainly be unwise at *any* time to pass a law which we *know* to be *unconstitutional*; but at this *particular* time when every state, *at least every free state*, is examining with scrupulous care, her statutes, to see if any can be found that conflict with the Constitution of the United States, or the laws of Congress, it would be little short of *crime* for us to enact a statute which is so clearly in violation of both.

We hope that this report will meet the unanimous approval of the House.

Report concurred in, and the bill laid on the table.

Mr. Woodhull, from the Committee on Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 191, introduced by Mr. Grover, entitled a bill to amend sections 176 and 190 of an act entitled, "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and instruct me to report the same back to this House and recommend the passage of section 1st of said bill, to amend section 176 of the above entitled act, and that the other section of said bill to amend section 190 of the above entitled act, be laid upon the table.

The report was concurred in, and the amendments adopted.

Mr. Bundy, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 168, introduced by Mr. Jones of Tippecanoe, entitled "a bill authorizing suits for alimony, or the disposition of property in certain cases," have had the same under consideration, and direct me to report back to this House, that in the opinion of the said Committee, further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Bundy, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 167, introduced by Mr. Roberts, entitled "an act concerning promissory notes, bills of exchange, bonds, or other instruments in writing, signed by any person who promises to pay money, or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 98, entitled a bill to amend section three of an act entitled "an act to require surviving partners to file inventories and appraisements in the office of the clerk of the Court of Common Pleas," have had the same under consideration, and direct me to report the same back to this House, and recommend that the said bill be indefinitely postponed.

The object of the bill seems to be to reach surviving partners who fail to file an inventory of the firm property and assets, and the bill proposes in all such cases of failure to grant letters of administration upon the partnership effects. This would be too great an innovation upon well established principles, and the effect would be to tie up large amounts of property under the slow and expensive rules of administration, to the great injury of all parties, and to the obstruction of the channel of trade and commerce. But it is suggested by the friends of the bill that the heirs and creditors of deceased partners may be injured by the failure or refusal of the survivor to render a true account of the partnership property. To meet this point the Committee beg leave to introduce the accompanying bill, and recommend its passage.

House bill No. 238. A bill supplemental to an act to require surviving partners to file inventories and appraisements in the office of the clerk of the Court of Common Pleas, and to report the liabilities of the firm, approved March 5, 1859.

Which was read a first time and passed to a second reading.

Mr. Jones, of Vermillion, obtained leave of absence till Thursday next.

Mr. McClurg was granted leave of absence till next week, Mr. Haworth till Monday next, Mr. Packard till Wednesday next, and Mr. Stephens till Tuesday next.

Mr. Woodhull, from the Committee on Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee to whom was referred House bill No. 161, introduced by the Committee on Public Expenditures, entitled

a bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public money," have had the same under consideration, and instruct me to report to this House that in the opinion of this Committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

Which was concurred in, and the bill laid on the table.

Mr. Bingham, from the same Committee, made the following additional report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 177, introduced by Mr. Moss, entitled "a bill to regulate the remission of fines and forfeitures, and to regulate all laws conflicting with the provisions of this act," have had the same under consideration, and instruct me to report back to this House that in the opinion of this Committee further legislation upon the subject is unnecessary, and that the said bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Cason, from the same Committee, made the following additional report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 188, introduced by Mr. Wells, entitled "a bill to provide for the organization of companies to build dams across any stream to afford slackwater navigation," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Veatch, from the same Committee, made the following additional report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 182: a bill to amend sections one and three of an act entitled "an act relative to the salaries of public officers, and providing the man-

ner of paying the same, and the manner of reimbursing the State for an increase of salaries, approved March 5, 1859, introduced by Mr. Parrett, have had the same under consideration, and have directed me to report the said bill back to the House with the following statement: The sections to be amended are very long and are not correctly recited in the bill; the only change made in the law as it now stands is to insert "district attorneys," and to provide a salary of three hundred dollars per year for said attorneys.

We would recommend that the bill be laid on the table, and a new bill embracing the salaries of district attorneys be introduced as an amendment or substitute.

Mr. Davis moved to recommit the bill to the Committee on the Judiciary.

Mr. Woodhull moved to lay the motion to recommit on the table. Which was not agreed to.

Mr. Prosser offered the following:

"Refer to the Judiciary Committee with instructions to inquire into the expediency of increasing the salary of circuit prosecutors to one thousand dollars, and the district attorney to five hundred dollars.

Which was agreed to.

Message from the Governor, by Mr. Holloway, executive messenger:

EXECUTIVE DEPARTMENT, }
Feb. 15, 1861. }

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed House bill No. 152: an act to amend section nineteen of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, &c., approved March 5, 1859.

Mr. McLean asked and obtained leave to introduce

House bill No. 239. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State

of Indiana, for the election of township assessor, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Which was read a third time and passed to a second reading.

Mr. Collins asked and obtained leave to introduce the following resolution :

Resolved, That the Judiciary Committee be and they are hereby instructed to examine section one of article eight of the Constitution, and report at their earliest convenience who are entitled to the benefit of our common schools by the provisions of said section.

Which was agreed to.

SENATE BILLS ON SECOND READING.

No. 79. A bill to amend section four of an act entitled an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Mr. Moody moved to amend, by striking out the word "February" and insert "March," and by striking out "September" and insert "August."

Mr. Knowlton moved to amend so as to read:

"It shall not be lawful for any person to ensnare, shoot, trap, or in any manner take or kill any wild game enumerated in the above recited act, on the premises of any improved lands or farms, without first obtaining the consent of such owner, renter, or occupant of such premises."

SEC. 2. "Any person violating any provision of this act, shall be, upon conviction thereof before any magistrate or Court of competent jurisdiction, fined not less than three or more than ten dollars."

SEC. 3. "There being no law now protecting farmers from the incursion of marauders, therefore, the same shall be in force from and after its passage.

Mr. Holcomb moved to amend as follows:

"Strike out from the entire act all that relates to deers and turkeys."

Which,

On motion,

The bill with pending amendments was referred to the Committee on Rights and Privileges.

Senate bill No. 49. A bill to provide for struck juries in the Circuit and Common Pleas Courts;

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

HOUSE BILLS ON SECOND READING.

No. 193. A bill to provide for the location, change, or vacation of public highways, for the assessment of damages sustained by such location, change, or vacation, and to repeal sections 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, and 26 of an act to provide for the opening, change, or vacations of highways, approved June 17, 1852.

Was read a second time, and referred to Committee on Roads.

Mr. Knowlton moved to take up House bill No. 143. A bill to amend the 9th section of "an act regulating the fees of officers, and repealing former acts in relation thereto.

Which was done and referred to a select committee of three.

The speaker announced the committee to consist of Messrs. Knowlton, Veatch, and Edson.

House bill No. 194. A bill to provide for the sale of certain property in the city of Indianapolis, belonging to the State of Indiana, and with the proceeds thereof to purchase new grounds within the limits of said city, and erect thereon a new residence for the governor, and for the regulation of the same,

Was read a second time.

Mr. Branham moved to refer said bill to a select committee of three.

Mr. Bundy moved to amend by referring said bill to the Committee of Ways and Means;

Which was agreed to.

No. 195. A bill to amend section 34, of chapter 83, of the Revised Statutes of 1852, and entitled "an act for the incorporation of railroad companies, approved May 11, 1852;

Was read a second time, and ordered to be engrossed.

Mr. Collins, of Whitley county, was granted leave of absence for one week.

Mr. Stotsenburg was granted leave of absence till Tuesday next.

Mr. Bundy moved to suspend the rule, and read House bill No. 196, a second time by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Edson, Erwin, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Hayes, Holcomb, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—78.

Those who voted in the negative were,

Mr. Ferguson—1.

So the rule was suspended.

House bill No. 196. A bill giving clerks of the several Circuit Courts of this State, probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act;

Was read a second time, and referred to the Committee on the Judiciary.

No. 15. A bill to amend section second of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto, approved February 12, 1855,

On motion by Mr. Parrett,

The bill was taken from the table and ordered to be engrossed.

No. 197. A bill to amend the fourth section of an act declaratory

of the law regulating marriage, and enforcing the provisions thereof by proper penalties, approved March 5th, 1852, so as to give county recorders power to issue marriage licenses,

Was read a second time, and,

On motion by Mr. Frasier,

The bill was laid on the table.

No. 198. A bill to provide for the erection of an asylum for inebriates.

Was read the second time, and referred to a select committee.

The Speaker announced the following named gentlemen :

Messrs. Bundy, Veatch, Turner, Cason and Holcomb.

No. 199. A bill to amend an act, entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock.

Was read a second time, and referred to the Committee on the Judiciary.

No. 200. A bill to amend the third section of an act, entitled "an act containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure the sinking fund a portion of their indebtedness," approved March 5, 1859, so as to authorize partial releases of lands mortgaged pursuant to said act, and so as to authorize substitutions.

Was read a second time, and referred to the Committee on Ways and Means.

No. 201. A bill to attach the county of Huntington to the Tenth Judicial Circuit, to create the Seventeenth Judicial Circuit, to provide for the election of a judge thereof, to provide for the holding of terms in said Circuit, and to provide for the election of a prosecuting attorney in said Tenth Judicial Circuit.

Was read a second time, and referred to the Committee on the Organization of Courts.

Mr. Knowlton obtained leave to introduce

House bill No. 240. A bill to fix the times of holding Courts in

the Eleventh Judicial Circuit, to provide for adjourned terms, and to regulate the return of process.

Which was read a first time.

Mr. Knowlton moved to suspend the rule, and read the bill a second time now by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Dashiell, Davis, Edson, Erwin, Ferguson, Fisher, Fleming, Ford, Fraley, Frazier, Gifford, Gore, Gresham, Grover, Hall, Harvey, Hayes, Holcomb, Hopkins, Hudson, Hurd, Jones, of Tippecanoe, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Packard, Parrett, Pitts, Polk, Prosser, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker.—72.

No one voting in the negative.

So the rule was suspended, and House bill No. 240 read a second time by its title.

Mr. Fisher offered the following:

Amend the third section by adding the following proviso:

Provided, That neither the judge, or the prosecuting attorney, shall receive any extra compensation for holding such adjourned or special term.

On motion by Mr. Knowlton,

The bill and amendment was referred to the Committee on the Organization of Courts.

No. 202. A bill to amend section 650 of article 36, of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the admin-

istration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read the second time and referred to the Committee on Corporations.

The Speaker laid before the House the following communication, from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }
Indianapolis, February 15, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives :

SIR:—In reply to a resolution adopted by the House of Representatives, on the 28th ult., requiring information in regard to the reassessment of railroads under the general assessment law of 1852, I have the honor to state that from documents on file in this office, it appears that the appraisement of the following railroads has been reduced (under the law referred to) by the county auditors of the counties through which such roads pass, with the consent of the Auditor of State, viz :

	<i>Per Mile.</i>
Michigan Central Railroad reduced to.....	\$9,000 00
Michigan Southern & Northern Indiana.....	8,000 00
Pittsburgh, Fort Wayne & Chicago.....	7,000 00
Louisville, New Albany and Chicago.....	750 00
Cincinnati, Peru & Chicago.....	500 00
Jeffersonville	3,000 00
Madison & Indianapolis.....	4,000 00

It does not appear from the documents, what was the original assessment of these roads, except in the case of the Pittsburgh, Fort Wayne & Chicago road, which was reduced from \$12,000 per mile, to \$7,000 per mile

Respectfully submitted,

ALBERT LANGE, *Auditor of State.*

Referred to the Committee on Ways and Means.

The Speaker, at 11 o'clock A. M., declared the House adjourned untill Monday next at 2 o'clock P. M.

MONDAY, 2 o'clock, P. M., }
February 18, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Edson,
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Jenkinson,

A petition on the subject of sheep-killing dogs.
Which was referred to the Committee on Agriculture.

By Mr. Parrett,

A resolution and memorial from the Union Agricultural Society of the 10th Congressional District, asking for the passage of a law to prevent the killing of sheep by dogs.

Which,

On motion,
Was referred to the Committee on Agriculture.

By Mr. Gifford,

A petition from sundry citizens of Dearborn and Franklin counties asking an act for the re-appraisement of the real estate belonging to the Harrison, New Trenton and Brookville Turnpike Company.

Was read and referred to the Committee on Ways and Means.

By Mr. Polk,

A petition from sundry citizens of the State of Indiana, asking that dogs at large, unaccompanied by owners, may be killed with impunity.

Was read and referred to the Committee on Agriculture.

By Mr. Edson,

A memorial in relation to national affairs.

Was referred to the select committee of thirteen on federal relations.

By Mr. Heffren,

A memorial in reference to national affairs.

Was read and referred to the select committee of thirteen on federal relations.

By Mr. Woodhull,

A petition asking for an unconditional repeal of chapter 74 of the Revised Statutes of 1852, entitled "an act to enforce the 13th article of the Constitution."

Which,

On motion,

Was laid on the table.

By Mr. Holcomb,

A memorial from a citizens' meeting of Gibson county, asking certain legislation in respect to the Wabash and Erie Canal.

Which,

On motion,

Referred to the Committee on Canals.

By Mr. Erwin,

A remonstrance from sundry citizens of Lawrence county, against the passage of a law creating a judicial circuit out of the counties of Lawrence, Monroe, Greene, Clay, Brown, &c.

Which,

On motion,

Was referred to the Committee on the Organization of Courts.

Mr. Orr moved to reconsider the vote laying the petition presented by Mr. Woodhull on the table.

Mr. Holcomb moved to lay the motion to reconsider on the table.
Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. McLean, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 151, for the creation of the 14th judicial circuit,

and House bill No. —, for the creation of a judicial circuit out of the county of Marion alone, have had the same under consideration, and have directed me to report said bills back, and recommend that they be indefinitely postponed, and said committee have also directed me to report the following bill in lieu of the aforesaid bills, and recommend its passage.

The report was concurred in, and

House bill No. 151. A bill to create the fourteenth judicial circuit. Was indefinitely postponed.

House bill No. 241. A bill to provide what counties shall hereafter compose each of the third, fifth and sixth judicial circuits, and to fix the times of holding the courts in said circuits, and to repeal all laws in conflict herewith.

Which was read a first time and passed to a second reading.

Mr. Veatch, from the Committee on the Judiciary, obtained leave to make the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred the resolution in relation to the damage done to the people of the State by the Calumet Feeder Dam overflowing the lands of Lake county, have had the same under consideration, and direct me to report to the House the following resolution, and recommend its passage by the House :

Resolved, That the Attorney General of the State be requested to examine the matters in relation to the damage done to the lands of Lake and the adjoining counties by the Calumet feeder dam, and that he report to the House what measures are necessary to remedy the evils complained of.

Which was concurred in.

Mr. Ford from the Committee on County and Township Business, made the following report :

MR. SPEAKER :

The Committee on County and Township business, to whom was referred House bill No. 100: an act authorizing township trustees to assign certificates of purchase of saline lands which were purchased with district school funds by the inhabitants of school districts in Congressional Townships, for school house sites, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Which was concurred in.

Mr. Davis, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 175, have had the same under consideration, and direct me to report the same back to the House and recommend that it be laid on the table.

Which was concurred in.

Mr. Davis, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 176: a bill to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep by dogs, have had the same under consideration, and instruct me to report the following amendments, and when so amended recommend its passage:

Amend section first, third line, after the word "cause," his, her, or their dogs.

Section second, 26th line, after the word "two," "nor more than ten."

Add to section 5: "And any surplus that may arise under the provisions of this act, shall be school funds and be distributed equally to the schools in said township annually.

SEC. —. Any person or persons being the owner of any dog or dogs, and refusing to comply with the provisions of this act, said dog or dogs, is hereby declared a nuisance.

Which was concurred in.

The Speaker announced the following select committee, on the motion of Mr. Veatch, to investigate the difficulty between Messrs. Heffren and Moody, to-wit: Messrs. Bingham, Ford, Haworth, Crain, and Brett.

Mr. Turner, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill

No. 166: "a bill in relation to dogs, and all matters connected therewith," have had the same under consideration, together with an amendment thereto, and have directed me to report the same back to the House, and recommend that the bill, with the amendment, be laid upon the table.

The report of the committee was concurred in, and the bill laid on the table.

Mr. Bryant, from the Committee on Temperance made the following report:

MR. SPEAKER:

The Committee on Temperance, to whom was referred the petition of Susan B. Hunt and seventy others, citizens of the State of Indiana; also the memorial of A. H. Ballinger and fifty others, citizens of the State of Indiana, have had the same under consideration, and direct me to report said petition and memorial back to the House, with the statement that your Committee have given the same that attention which the subject, and number, and respectability of the petitioners and memorialists are entitled to; that the petitioners and memorialists alike pray for a law *prohibiting* the sale of spirituous liquors.

In vain your Committee regret the necessity impelling them to the conclusion that such legislation is not only inexpedient, but would be destructive of the object sought, as such a law would be under the decision of the Supreme Court of this State, unconstitutional and void; they therefore recommend that said petition and memorial be laid on the table.

Which was concurred in.

Mr. Jones, of Wayne, from a select committee, made the following report:

MR. SPEAKER:

Your select committee, to whom was referred the report of the Committee on Roads and Highways, upon resolution No. 17, in relation to a revision of the rates of tolls upon plank and McAdamized roads, have instructed me to report that they are of opinion that further legislation upon the subject is unnecessary.

Which was concurred in.

Mr. Bryan, from a select committee, made the following report:

H. J.—32.

MR. SPEAKER:

The committee appointed to draft and report a bill making provisions for fencing the Tippecanoe Battle Ground, have had the same under consideration, and have requested me to report the following bill and recommend its passage:

House bill No. 242. A bill providing for the enclosure of the Tippecanoe Battle Ground, and making an appropriation for the same. Which was read a first time and passed to a second reading.

SENATE BILLS ON FIRST READING.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 177. A bill to amend section five of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

In which the concurrence of the House is respectfully requested.

Senate bill No. 177 was read a first time and passed to a second reading.

HOUSE BILLS INTRODUCED.

Mr. Prosser obtained leave and introduced

House bill No. 243. An act fixing the time of holding the Circuit Court in the First Judicial Circuit, and repealing all laws in conflict therewith,

Which was read a first time, and passed to a second reading.

Mr. Jones, of Tippecanoe, asked and obtained leave to introduce

House bill No. 244. A bill to amend section one of an act, entitled "an act fixing the time of holding the Circuit Court in the Twelfth Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," approved March 2, 1859.

Which was read a first time and passed to a second reading.

Mr. Roberts asked and obtained leave to introduce

House bill No. 245. A bill declaratory of the meaning of the first clause of the eighth section, and also of the ninth section, of the second article of chapter one, part second, of the revised code of 1852. Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

House bill No. 204. A bill for the protection of the swamp land ditching in this State.

Was read a second time, and,

On motion,

Referred to the Committee on Swamp Lands.

No. 205. A bill to encourage the construction of free turnpikes, and to provide therefor.

Was read a second time, and referred to the Committee on County and Township Business.

No. 206. A bill supplemental to article 9 of an act, entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide for the hearing of motions in attachment in certain cases, and to provide for the compensation of Judges hearing the same, and prescribing the duties of clerks and sheriffs herein.

Was read a second time, and referred to the Committee on the Judiciary.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

House bill No. 119. A bill concerning the State, county, township and road tax, of the counties of Jasper and Newton.

Mr. Anderson asked and obtained leave of absence, on account of sickness.

SPECIAL ORDER OF THE DAY.

The hour having arrived, the House proceeded to the consideration of

House bill No. 5. A bill limiting the power of county commissioners in the assessment and collection of taxes.

Was read a second time.

Mr. Bundy moved to amend the bill as follows:

Amend at the proper place, by striking out "fifty cents," and inserting in lieu thereof "one dollar."

Mr. Gresham moved that the bill and pending amendment be indefinitely postponed.

Messrs. Gresham and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Black, Boydston, Brueker, Bundy, Campbell, Cason, Coopridge, Edson, Fordyce, Fraley, Frazier, Gresham, Harvey, Haworth, Henricks, Hopkins, Horton, Hudson, Jones of Wayne, Lee, Lightner, Moorman, Newman, Orr, Sherman, Sloan, Thomas, Underwood, Wells, Williams, Woodhull and Woods—33.

Those who voted in the affirmative were,

Messrs. Atkinson, Branham, Brett, Collins of Adams, Combs, Davis, Erwin, Ferguson, Fisher, Fleming, Ford, Gifford, Goar, Hall, Hayes, Heffren, Holcomb, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Kitchen, Knowlton, Lods, McLean, Moody, Moss, Mutz, Nebeker, Parrett, Pitts, Polk, Prosser, Ragan, Robbins, Roberts, Trier, Turner, Veatch, Warrum, Wilson, and Mr. Speaker—43.

So the bill was not indefinitely postponed.

Mr. Nebeker moved the previous question.
Which was seconded.

The question being on adopting the amendment offered by Mr. Bundy,
It was not agreed to.

The question being on ordering the bill to be engrossed,
Which was agreed to.

Mr. Woodhull moved a call of the House.
Which was not agreed to.

Mr. Heffren moved that the bill be read a third time now.
Which was agreed to.

House bill No. 5 was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Brett, Brucker, Burgess, Collins of Adams, Combs, Coopridger, Davis, Edson, Erwin, Ferguson, Fisher, Fleming, Ford, Fraley, Gifford, Hall, Hayes, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson Hurd, Jenkinson, Jones of Tippecanoe, Kendrick, Kitchen, Knowlton, Lods, Lightner, McLean, Moody, Moss, Mutz, Nebeker, Parrett, Pitts, Polk, Prosser, Ragan, Randall, Robbins, Roberts, Smith of Miami, Trier, Turner, Underwood, Veatch, Warrum, Wilson, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Black, Boydston, Branham, Bundy, Campbell, Cason, Crain, Fordyce, Frasier, Gresham, Harvey, Haworth, Horton, Jones of Wayne, Lee, Moorman, Newman, Orr, Sherman, Sloan, Thomas, Thompson, Wells, Williams and Woodhull—25.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

UNFINISHED BUSINESS.

Mr. Nebeker moved that the House proceed to the consideration of the following amendments to House bill No. 8:

No. 8. A bill providing for the allowance of compensation to the clerks of the Circuit and Common Pleas Courts and sheriffs, for extra services, and to repeal all laws inconsistent therewith, as reported by the Committee on the Judiciary, to-wit:

Strike out all after the enacting clause, and insert the following:

The Board of County Commissioners shall annually allow the clerk and sheriff of their respective counties an annual compensation for extra services, as such, not exceeding one hundred dollars each; but

no such allowance shall be made to either of those officers until he shall have filed a detailed statement of his charges, with items and dates, and taken and subscribed on oath or affirmation to the truth thereof; the board may then make such reasonable allowance as they deem proper, but in no event to exceed the sum above named, which allowance shall be in full of all compensation for extra and other services, where no certain fee is fixed by law.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. It is hereby declared that an emergency exists, and therefore this act shall take effect and be in force from and after its passage.

Mr. Frasier moved to amend so as to read: "Not exceeding two hundred dollars to the sheriff, and one hundred to the clerk."

On motion by Mr. Prosser,
The amendment was laid on the table.

Mr. Edson moved to amend as follows:

"Said extra services to be paid for at the same rates that similar services are provided by law."

On motion by Mr. Nebeker,
The amendment was laid on the table.

Mr. Black offered the following:

Amend by striking out "detailed statement and the affidavit required."

Mr. Cason moved to lay the bill on the table.
Which was agreed to.

Mr. Bundy moved to amend as follows:

"May allow one hundred and fifty dollars."

On motion by Mr. McLean,
The amendment was laid on the table.

Mr. Goar offered the following amendment:

Provided there shall no allowance be made when the number of inhabitants of a county amount to eight thousand. Provided further, the provisions of this act shall not apply to any sheriff who apply the fees of bailiffs to to his own use.

On motion by Mr. Crain,
The amendment was laid on the table.

The question being on concurring in the report of the Committee,
and adopting the amendments,
It was agreed to.

Mr. Nebeker moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 8 was read a third time, and the question being,
shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black Boydston, Branham, Brett, Brucker, Bundy, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Davis, Edson, Erwin, Ferguson, Fisher, Fleming, Ford,
Fordyce, Fraley, Frasier, Goar, Gresham, Hall, Harvey, Haworth,
Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard,
Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne,
Kendrick, Kitchen, Knowlton, Lee, Lightner, McLean, Moody,
Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk,
Prosser, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith
of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch,
Warrum, Wells, Wilson, Woodhull and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Gifford, Lods and Woods—3.

So the bill passed.

Ordered, that the Clerk inform the Senate of the passage of the bill.

Mr. Frasier moved that the House do now adjourn.
Which was not agreed to.

Mr. Davis moved to take up House bills on third reading.
Which was agreed to.

HOUSE BILLS ON THIRD READING.

No. 3. A bill to amend the sixteenth section of an act entitled, "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to provide for the holding of said Common Pleas Courts in the county of Newton.

Was read a third time.

The question being, shall the bill pass?^a

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Davis, Edson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Henricks, Holcomb, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McLean, Moody, Moorman, Moss, Mutz, Newman, Orr, Parrett, Pitts, Polk, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—71.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

No. 13. A bill making provision for the refunding of license money illegally collected under an act entitled "an act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Was read a third time.

On motion by Mr. Bundy,
The House adjourned till to-morrow morning 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 19, 1861. }

The House met.

On motion by Mr. Ford,

The reading of the Journal was dispensed with.

A message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to present to the House, the following enrolled joint resolution No. 12 :

A joint resolution proposing an amendment to the 23rd section of article 4 of the Constitution, so as to provide for laws enabling cities, townships and towns, to raise money for the support of common schools, for the signature of the Speaker and Clerk of this Honorable body.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Stotsenburg,

A petition from sundry citizens of the city of New Albany, asking an amendment to the Constitution of the State, so as to give cities and towns power to levy taxes for school purposes.

Which was,

On motion,

Laid on the table.

By Mr. Wood,

A memorial of Nicholas Scherer, asking relief and compensation for damages sustained in ditching swamp lands in Lake county.

Was read and referred to the Committee on Claims.

By Mr. McLean,

The remonstrance of sundry citizens of Vigo county, against the passage of House bill No. 36, claiming to provide for the protection of fish and fisheries.

Was read and referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

By unanimous consent,

On motion by Mr. Roberts,

That the Committee on the Rights and Privileges of the Inhabitants of the State be instructed to inquire into the expediency of the passage of a law, with proper penalties, requiring all persons, before taking charge of any moveable or stationary engine, within this State, to obtain a certificate of qualification for so doing, and that said Committee be further instructed to report at an early day to this House, by bill or otherwise.

By unanimous consent,

Mr. Kendrick offered the following resolution:

WHEREAS, Mr. James Sutherland is editing and publishing a work entitled "Biographical Sketches of the Members of the Forty First General Assembly of the State of Indiana, with that of the State Officers and Judiciary;" and whereas, Mr James Sutherland proposes to furnish said book, in size 200 to 250 pages, bound in fine embossed cloth, at the price of one dollar, and further proposes to furnish the photograph likeness of each member of the House of Representatives, to be bound in as many copies as may go to each township library, in each county or counties, of the member for such county or counties, and the photograph likeness of each Senator for every township in the county or counties such Senator may represent, also the photograph likeness of Governor O. P. Morton and Hon. H. S. Lane, United States Senator, therefore,

Resolved, That one copy of the "Biographical Sketckes of the Members of the Forty-first General Assembly of the State of Indiana, with that of the State officers and Judiciary," be subscribed for and sent to each township library in the State of Indiana.

Which,

On motion,

Was referred to the Committee on the Judiciary.

Mr. Crain, by unanimous consent, offered the following resolution:

WHEREAS, The Supreme Court of the State, at its last term thereof, made a decision to the effect that the capital invested in the Banks of the State is taxable against the holders of the certificates of the stock of said banks, now, therefore,

Resolved, That the Judiciary Committee be instructed to inquire into the matter, and bring in a bill so amending the law that each and every bank in this State shall be compelled to pay taxes on their capital stock, and that the same shall be payable at their office.

Which was agreed to.

By Mr. Edson,

A memorial from sundry citizens of the State of Indiana, asking that the commissioners appointed by the Governor to attend the Conference of the States at Washington City, to co-operate with the friends of compromise in adjustment of our national troubles, on the basis of the Crittenden Compromise, or otherwise.

Referred to the Committee of Thirteen.

Mr. Prosser, by unanimous consent, offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of suspending the collection of debts by levy and sale of property, for the space of one year, and that they report by bill or otherwise.

Was referred to the Committee on the Judiciary.

Mr. Branham obtained leave and introduced

House joint resolution No. 31. A joint resolution to provide for the appointment of a commissioner to investigate and report on the fiscal affairs of the State.

Which was read, and

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Fisher, Fleming, Ford, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henrieks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Mutz, Orr, Parrett, Pitts, Prow, Ragan, Randall,

Robbins, Sherman, Sloan, Smith of Miami, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Brett, Fraley, Polk and Prosser—4.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bundy obtained leave to introduce

House bill No. 246. A bill to repeal all laws authorizing judges of the Circuit Courts to hold special or adjourned terms thereof, and legalizing the holding of such Courts.

Which was read a first time and passed to a second reading.

By unanimous consent,

On motion by Mr. Jenkinson,

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of having a good, substantial iron fence around the Governor's Circle, in the City of Indianapolis, and report by bill or otherwise.

Mr. Veatch obtained leave and introduced

House bill No. 247. A bill to provide for taxing and collecting, for the use of the State, docket fees in certain civil and criminal cases, to which the State is or may be a party.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Holcomb offered the following resolution:

Resolved, That from and after to-morrow, this House will meet at 9 o'clock A. M. and 2 o'clock P. M. each day.

Which was read and laid over under the rule.

By unanimous consent,

On motion by Mr. Orr,

Resolved, That A. D. Streight shall have the use of this Hall on Thursday evening, February 21, 1861, for the purpose of delivering a lecture on the present crisis, its causes, and how it should be met.

Mr. Hopkins, obtained leave and introduced

House bill No. 248. A bill to authorize the Boards of Commissioners of the several counties through which the Wabash and Erie Canal runs, to cause bridges to be built across said canal.

Which was read a first time and passed to a second reading.

By unanimous consent,

Mr. Woods offered the following concurrent resolution:

Resolved, By the House, the Senate concurring, that our Senators be instructed, and our Representatives requested, to use all honorable means to prevent any renewal by Congress of the patent formerly granted to Cyrus H. McCormick, for reaping and mowing machines, as such extension would operate to the great detriment of the agricultural interests of the State.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress a copy of the foregoing resolution.

Which was referred to the Committee on Agriculture.

Mr. Sherman obtained leave and introduced

Joint resolution No. 32. A joint resolution instructing our Senators and requesting our Representatives in Congress, to endeavor to procure an appropriation for the improvement of the Harbor at Michigan City.

Which was read, and

The question being, shall the joint resolution pass?

Those who voted in the affirmative were.

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branhams, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridler, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Ferguson, Fleming, Ford, Fordyce, Fraley,

Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hays, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Orr, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—81.

Mr. Knowlton voted in the negative—1.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Mutz asked and obtained leave to introduce

House bill No. 249. A bill to provide for the collection of taxes from persons wandering through the State without place of permanent abode.

Which was read a first time and passed to a second reading.

Mr. Heffren obtained leave of absence.

Mr. Underwood asked and obtained leave to introduce

House bill No. 250. A bill to enable railroad companies incorporated under the general railroad law of May 11, A. D. 1852, that have gone on to construct their roads but failed to complete the same within the time specified in said law, to enjoy the privileges of their charter, and to complete or abandon the remainder, and to enable railroad companies to extend their lines of railroad, and also to extend the time to complete railroads.

Which was read a first time and passed to a second reading.

Mr. Woodhull, by unanimous consent, offered the following resolution:

Resolved, That the privileges of the floor of this House be granted to Samuel E. O. Wilson, Esq., for the purpose of soliciting aid from the members for the relief of his fellow citizens of Kansas.

Which was adopted.

Mr. Goar asked and obtained leave to introduce

House bill No. 251. A bill to amend the 14th section of an act

entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Holcomb, by unanimous consent, offered the following resolution:

Resolved, That the auditor of public accounts be requested to report to this House immediately the amount of swamp land funds received and placed to the credit of Gibson county, the amounts paid out, to whom paid, and for what paid.

Which was adopted.

Mr. Jenkinson asked and obtained leave to introduce

House bill No. 252. A bill to amend the second section of an act incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporated name of the township, town or city in which the same is situate, authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporated town to levy all taxes for schools, and the building and repair of school houses, and to repeal all laws inconsistent with this act, approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. McLean, obtained leave and introduced

House bill No. 253. A bill declaring the vending, selling, or giving away of impure, adulterated or drugged liquor or liquors, as a felony, and prescribing the punishment therefor.

Which was read a first time and passed to a second reading.

Mr. Cameron, by unanimous consent, offered the following resolution:

Resolved, That the Committee on Rights and Privileges be instructed to report a bill donating and appropriating the sum of two thousand dollars to aid the starving poor of Kansas.

On motion by Mr. Dobbins,
The resolution was laid on the table.

Mr. Brett asked and obtained leave to introduce

House bill No. 254. A bill to provide for the re-valuation and sale of forfeited school lands.

Which was read a first time, and passed to a second reading.

Mr. Crain asked and obtained leave to introduce

House bill No. 255. A bill to enable the Board of Trustees of the Wabash and Erie Canal, with the consent of the creditors of this State whose debts are secured by said canal, to lease said canal or parts thereof, for a term of years, to private individuals, companies or corporations.

Which was read a first time, and passed to a second reading.

Mr. Pitts asked and obtained leave to introduce

House bill No. 256. A bill to secure the collection of rents in certain cases therein named, and to enable persons of small means to rent lands without giving personal or other security therefor.

Which was read a first time and passed to a second reading.

Mr. Edson asked and obtained leave to introduce

House bill No. 257. A bill fixing and providing for the compensation of the members of the General Assembly, the secretaries, clerks and door-keepers thereof, and repealing all laws conflicting therewith.

Which was read a first time and passed to a second reading.

Mr. Bingham asked and obtained leave to introduce

House bill No. 258. A bill to amend sections six hundred and eighty-four and six hundred and eighty-eight of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a writ of assessment of damages in certain cases.

Which was read a first time and passed to a second reading.

Mr. Harvey asked and obtained leave to introduce

House bill No. 259. A bill supplemental to an act entitled "an act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which

they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1859.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Sherman, from the Committee on Rights and Privileges, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 173, a bill supplemental to an act entitled an act supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, so as to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site, and a house to be used as a court house, and when a deed has been executed, to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property, approved Dec. 22, 1858, so as to provide for the re-location of county seats in counties where no court house has been erected, which have been formed out of the territory of another county, and for the transfer of the county offices, books, &c., have had the same under consideration, and respectfully report the same back to the House, without amendment, and recommend its passage.

The question being on concurring in the report of the Committee,

Mr. Cameron moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being on concurring in the report, and ordering House bill No. 173 to be engrossed,

Messrs. Cason and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Erwin, Ferguson, Fisher, Fleming, Fraley, Frazier, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Wayne, Lane, Lee, Lightner, Moody, Moorman, Nebeker, H. J.—33.

Newman, Orr, Parrett, Pitts, Ragan, Robbins, Sherman, Sloan, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker.—64.

Those who voted in the negative were,

Messrs. Bundy, Davis, Dobbins, Edson, Ford, Gifford, Hall, Hayes, Howard, Kitchen, Knowlton, Lods, Moss, Mutz, Polk, Prosser, Prow, Randall and Stotsenburg—19.

So the report was concurred in and the bill ordered to be engrossed.

Mr. Woodhull asked and obtained leave to introduce the following resolution :

Resolved, That the Senate be requested to return House bill No. 5.

Which,

On motion,
Was adopted.

Mr. Edson asked and obtained leave to introduce

House bill No. 260. A bill to authorize constables to administer oaths in certain cases therein named.

Which was read a first time and passed to a second reading.

Mr. Parrett asked and obtained leave to introduce

House bill No. 261. A bill to amend the sixth section of the act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of their stockholders, in the same manner as is provided in said section for increasing capital stock.

Which was read a first time and passed to a second reading.

Mr. Bundy, from the Committee on the Judiciary, obtained leave and made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 50,

introduced by Mr. Cameron, entitled a bill to repeal an act entitled "an act to provide for the return of the jury in the Common Pleas Court at the third day of the term," approved March 5, 1859, have had the same under consideration, and instruct me to report back to this House that, in the opinion of the said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Dobbins asked and obtained leave to make the following majority report from the Committee on Claims.

MR. SPEAKER:

The Committee on Claims, to whom was referred the itemized accounts of Wm. B. Matthews and T. J. Johnson, citizens and residents of the State of Illinois, for services rendered in the year 1860 on succeeding in capturing and returning one S. B. Calhoun, (alias H. S. Brun,) a fugitive from justice from Marion county and State of Indiana, (who has since been convicted and sent to the State Prison for larceny committed in said county of Marion,) have had the same under consideration, and a majority of said Committee instruct me to report the same back to the House, and recommend that in their judgment it would be inexpedient for the General Assembly to appropriate money from the State Treasury to pay said claim. Your Committee instruct me to say that they come to this conclusion very reluctantly, and that if your Committee did not believe that the Commissioners of Marion county, in the exercise of a sound discretion, have the power to make the allowance from the treasury of Marion county for the services rendered by the parties above named, they would then deem it the duty of the Legislature to do so. But the Committee after giving the subject a full investigation, and understanding that the claim of Mr. Matthews and Mr. Johnson, amounting in all to the sum of two hundred and twenty-four dollars and sixty cents, has been presented heretofore to the county commissioners of Marion county, and refused by said commissioners, upon the ground that they had not the power to make the allowance, and believing that said commissioners have a better opportunity to hear the evidence upon the justness of said claim, deem it our duty to say that in our opinion said commissioners are empowered to make said allowance from the county treasury, and that perhaps it would be better for said commissioners to pass upon the merits of this claim than for your Committee to do so. Your Committee therefore recommend that the petition, with the accompanying papers be laid on the table.

Which was concurred in, and the petition laid upon the table.

Mr. Sloan, from the same committee, made the following minority report:

MR. SPEAKER:

The minority of your Committee, to whom was referred the claim of W. B. Matthews and T. J. Johnson, of Illinois, for expenses incurred by them in the arrest of a fugitive from justice, and also for expenses incurred by them in attending the Marion county court during the trial and conviction of said fugitive from justice, (S. B. Calhoun, alias H. S. Brun,) have had the same under consideration, and believe the claim to be just, and recommend that it be allowed, and that the Committee of Ways and Means be instructed to provide for the payment of the same in the specific appropriation bill.

W. W. SLOAN,
JOHN STEPHENSON.

The question being on concurring in the report of the majority of the Committee.

It was concurred in.

By unanimous consent,

On motion by Mr. Holcomb,

Resolved, That a committee of five be appointed, whose duty it shall be to carefully examine the present laws in reference to the duties and fees of county surveyors, and report to the House such amendments to those laws as in the opinion of said committee are necessary.

The Speaker announced the following as the committee:

Messrs. Holcomb, Collins of Adams, Wells, Jones of Wayne, and Fisher.

Mr. Veatch, from the Committee on the Judiciary, obtained leave and made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 199, introduced by the Committee on Agriculture, entitled "a bill to amend an act, entitled an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to authorize such societies to issue capital stock, have had the same under consideration, and instruct me to report the same back to the House with the following amendment, to-wit:

Strike out, at the end of section three, of the above entitled bill, the following words, to-wit: "as in other corporations."

And when so amended, the said committe recommend its passage.

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Branham moved that the bill be considered as engrossed, and read a third time now.

Which was agreed to.

House bill No. 199 was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson. Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Admbs, Cooprider, Crain, Dashiel, Davis, Dobbins, Edson, Erwin, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Gore, Gresham, Grover, Hall, Harvey, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—84.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Burgess, by unanimous consent, offered the following resolution:

Resolved, That the Committee on Agriculture be instructed to inquire into the expediency of either reporting a bill repealing the 73d section of chapter 6, vol. 1 R. S. of 1852, or one imposing a penalty for not furnishing the assessor with a list of the things therein named.

Which was agreed to.

Mr. Brett, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 4, introduced by Mr. McLean, and House bill No. —, introduced by Mr. ———, have had the same under consideration, and have directed me to return said bill and offer the accompanying bill as a substitute therefor, and recommend its passage:

House bill No. 262. A bill to amend sections 78, 79, 94, 95, 142 and 143, of an act, entitled “an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,” approved June 21, 1852.

Which was read a first time and passed to a second reading.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have examined and carefully compared engrossed House bill No. 176, commonly known as the dog bill, with the original, and find it correctly engrossed.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills, to whom was referred House bill No. 119, an act concerning the State, county, township, and road tax, of the counties of Jasper and Newton, have carefully compared the enrolled copy thereof with the original, and find the same to be correctly enrolled.

On motion by Mr. Bundy,

The House resolved itself into a Committee of the whole, with House bill No. 84, under consideration.

No. 84. A bill regulating interest on money, and to repeal an act, entitled “an act concerning interest on money,” approved May 27,

1852, and all other laws, also, or parts of laws in conflict with this act.

After remaining in session for a short time, the Committee rose and made the following report:

MR. SPEAKER:

The House, in Committee of the Whole, has had under consideration House bill No. 84, have considered some amendments to the same. The Committee asked and obtained leave to rise, report progress, and ask to be discharged from further consideration of the same.

Leave was granted, and the Committee so discharged.

Which was concurred in.

Mr. Stotsenburg offered the following amendment:

Amend by inserting after the word time, in the first section of the bill and last line, "and in no case whatever shall any person or corporation contract for, charge, reserve or receive a greater rate of interest than ten per cent., including therein exchange, and allowing also for the computation of interest in advance, according to any standard rates or tables for the computation of the same.

Mr. Branham offered the following amendments:

Strike out "ten," and insert "six."

Also, strike out all that relates to usury.

Mr. McLean moved to lay the pending amendments on the table.

Mr. Branham called for a division of the question.
Which was ordered.

The question being on laying that branch of the amendment offered by Mr. Branham, which relates to usury, on the table.
It was not agreed to.

The question then recurring on the other branch of the amendment,

Messrs. Stotsenburg and Smith of Bartholomew, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bundy, Burgess, Davis, Erwin, Haworth, Hayes, Henricks, Hopkins, Hudson, Jenkinson, Jones of Wayne, Lee, Nebeker, Newman, Orr, Parrett, Polk, Prow, Smith of Bartholomew, Smith of Miami, Warrum and Williams—24.

Those who voted in the negative were,

Messrs. Bingham, Boydston, Branham, Brett, Brucker, Bryan, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Dobbins, Edson, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Holcomb, Horton, Howard, Hurd, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McLean, Moody, Moorman, Mutz, Pitts, Prosser, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods and Mr. Speaker—63.

So the motion did not prevail.

The question then being on the motion to lay the amendments offered by Mr. Stotsenburg on the table,

It was agreed to.

Mr. Lane moved that the bill and pending amendments be laid on the table.

Messrs Lane and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Bryan, Collins of Adams, Coopridger, Dobbins, Edson, Ferguson, Fleming, Ford, Gore, Gresham, Hall, Horton, Howard, Knowlton, Lods, Lane, Prosser, Prow, Ragan, Roberts, Trier and Thompson—24.

Those who voted in the negative were,

Messrs. Bingham, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Combs, Crain, Dashiell, Davis, Erwin, Fisher, Fordyce, Fraley, Frasier, Gifford, Grover, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Hudson, Hurd, Jenkinson, Jones of Wayne, Kendrick, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Ragan, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of

Miami, Stotsenburg, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—62.

So the bill and pending amendments were not laid on the table.

Mr Holcomb obtained leave of absence.

Mr. Stotsenburg moved that amendments be indefinitely postponed.

Pending which,

The Speaker at 1 o'clock declared the House adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
February 20, 1861.

The House met.

The Journal was read and approved.

The Speaker laid before the House the following communication, from the Secretary of the Indiana Horticultural Society, with accompanying report:

INDIANAPOLIS, *February* 18, 1861.

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

DEAR SIR:—Please lay before the honorable Body over which you preside, the accompanying report of the transactions of the Indiana Historical Society. The report is submitted to the General Assembly in conformity with the fourth section of an act approved March 4, 1859.

Very respectfully,

JOHN B. DILLON,
Sec'y Indiana Historical Society.

Which,
 On motion,
 Was laid on the table.

The following resolution, which was laid over under the rule, was taken up.

Resolved, That from and after to-morrow, this House will meet at 9 o'clock A. M., and 2 o'clock P. M. each day.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Prow,

A memorial from 102 citizens of Indiana, praying the General Assembly to instruct the Commissioners appointed by the Governor of this State to attend the conference of States at Washington City, to favor the Crittenden Compromise or any other basis of settlement equally fair and honorable.

Which was referred to the Select Committee of Thirteen on Federal Relations.

By Mr. Coopridge,

A petition from sundry citizens of the State, on the subject of our present national difficulties.

Which was referred to the Committee of Thirteen.

By Mr. Edson,

A petition from sundry citizens of the State of Indiana, asking the Legislature to instruct the Commissioners appointed by the Governor of this State, to attend the Conference of States at Washington City, to co-operate with the friends of compromise in adjusting our national troubles, on the basis of the Crittenden propositions, or some other basis equally fair and honorable.

Was read and referred to the Committee of Thirteen.

By Mr. Fisher,

A memorial from the Grand Division of the Sons of Temperance, praying for the repeal of all laws on the subject of the sale of intoxicating liquors, and for a law clearly defining a nuisance.

Which was read and referred to the Committee on Temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Veatch, Chairman of the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House resolution No. 3, introduced by Mr. Hayes, inquiring into the constitutionality of a law apportioning the State for Senatorial and Representative purposes, in the absence of an enumeration of the white male inhabitants of the State, over the age of twenty-one years, as required by the fourth section of the fourth article of the Constitution of the State, have had the same under advisement and have instructed me to report that in the opinion of the Committee, such a law apportioning the State for the election of Senators and Representatives, would be constitutional, although no enumeration had been taken as required by said section. To support such an opinion, the Committee would say that said fourth section of said article, merely provides a way by which the Legislature may obtain information as to the number of white male inhabitants over the age of twenty-one years, to enable the making of a just and equitable distribution and apportionment of Senators and Representative among the several counties of the State. That it is merely directory in its character and may be neglected when the information it contemplates can be obtained in any other legal and reliable way. The first election held under the present Constitution, was in accordance with the old apportionment law. The Legislature of 1853 provided for an enumeration as required by said section of the Constitution, and such enumeration was had. The subsequent Legislature, that of 1855, neglected to apportion the State for said purposes, upon that enumeration and the election of 1856 was held under an apportionment by proclamation from Gov. Wright, and although there is no shadow of authority for such an apportionment, the acts of the Legislature enacted that year never have been questioned on that account.

The acts of the Legislature of 1857, page 7, apportion the State, but that Legislature neglected to provide for the taking of an enumeration, upon which the Legislature at this session could perform the same act. Such information as said section looks to, can be had from the returns of the census taker, by authority of the United States during the past year, and a just and proper apportionment predicated therein.

Again, section 5 of article 7 of the Constitution of this State, requires the Supreme Court to give a statement in writing of each question arising in the record of every case and its decision therein. Over this provision, the court has repeatedly refused to make such statement and give such decision, construing and treating said section as only directory.

The analogy between the cases is manifest. The Committee therefore, in view of the foregoing precedents, the court in the one instance, and the act of Gov. Wright in the other, together with the manifest intent of the law, have no hesitation at all in believing the present Legislature has full power to enact a constitutional apportionment law.

Which was read and concurred in.

Mr. Cason, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred joint resolution No. 22, introduced by Mr. Polk, proposing to amend the Constitution of the State of Indiana, have had the same under consideration and instruct me to report the same back with the following amendment, to-wit: In the 28th line of said joint resolution, after the word "township," strike out the word "sixty," and insert "thirty," and when so amended, the said Committee recommend the passage of said joint resolution.

Mr. Stotsenburg moved to amend by inserting ten days instead of thirty days.

Which was not agreed to.

Mr. Stotsenburg offered the following amendment:

Amend by inserting fifteen days instead of thirty days.

Messrs. Stotsenburg and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Combs, Coopridger, Dobbins, Ford, Horton, Howard, Jenkinson Kitchen, Lods, Mutz, Owens, Packard, Parrett, Prow, Roberts, Sloan, Stotsenburg, Trier, Warrum and Wells—19.

Those who voted in the negative were,

Messrs. Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Crain Dashiell, Davis, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Harvey, Hayes, Henriks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moorman, Moss, Newman, Orr, Polk, Prosser, Ragan, Randall, Robbins, Smith of Bartholomew, Smith of Miami, Stevenson, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—59.

So the amendment was not adopted.

The report was concurred in.

Pending the consideration of which, the hour having arrived to take up the orders of the day.

ORDERS OF THE DAY.

House Bills on Second Reading.

No. 243. A bill fixing the time of holding the Circuit Court in the first judicial circuit, and repealing all laws in conflict therewith. Was read a second time and ordered to be engrossed.

No. 228. A bill relative to the salaries and compensation of the district attorneys of the several common pleas districts from the fifth day of March A. D. 1859, to the 25th day of October A. D. 1860, and prescribing the manner in which said claim shall be presented to the Auditor of State, and his proceedings therein.

Was read a second time, and

Referred to the Committee on Judiciary.

No. 230. A bill to amend an act entitled "an act to amend the first section of an act authorizing the construction of plank and McAdamized and gravel roads," approved May 12, 1852, approved March 5, 1859.

Mr. Polk moved to amend by inserting three hundred dollars instead of five hundred dollars.

Which,

On motion.

The bill with pending amendment was referred to the Committee on Corporations.

No. 231. A bill prescribing certain duties of the prosecuting and district attorneys, and providing compensation therefor.

Was read a second time, and

Referred to the Committee on Judiciary.

No. 232. A bill to amend part 6, section six, of an act entitled "an act providing for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, and referred to the Committee on Education.

No. 245. A bill declaratory of the meaning of the first clause of the eighth section, and also of the ninth section of the second article of chapter one, part second of the Revised Code 1852.

Which was read a second time, and,

On motion,

Referred to the Committee on the Organization of Courts.

No. 233. A bill to regulate the docketing and disposal of the business in the Courts of Common Pleas throughout the various districts in the State of Indiana; to provide for the return of the jury, in the aforesaid courts, on the first day of each term thereof, and to repeal all acts and parts of acts now in force which conflict with the provisions of this act.

Was read a second time, and referred to the Committee on the Organization of Courts.

No. 234. A bill to amend section six of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which,

On motion,

Was referred to the Committee on the Judiciary.

No. 235. A bill containing some provisions respecting the Sinking Fund and its management and control, and some provisions respecting the stock and means belonging to the same, and requiring the officers of said fund to account for the interest that shall accrue on deposits made of said fund, and how and for what purpose said deposits may be made and secured.

Was read and referred to the Committee on the Judiciary, with the following instructions offered by Mr. Branham:

Amend so as to include lands sold by the auditor that have been mortgaged to the trust fund under his control, and to secure the payment of the taxes on the land mortgaged to secure the trust funds of this State.

No. 236. A bill authorizing judges of Circuit and Common Pleas Courts to hear and determine demurrers, motions and applications for the production of books and papers, and the appointment of receivers in vacation.

Was read a second time, and referred to the Committee on Judiciary.

No. 237. A bill to provide for the paying over of funds arising from estates without heirs, to the Commissioners of the Sinking Fund.

Was read a second time, and,

On motion,

Referred to the Judiciary Committee.

No. 238. A bill supplemental to "an act to require surviving partners to file inventories and appraisements in the office of the clerk of the Court of Common Pleas, and to report the liabilities of the firm," approved March 5, 1859.

Was read a second time and ordered to be engrossed.

No. 239. A bill to amend the sixth section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State.

Was read a second time.

Mr Bundy offered the following amendment:

Provided, That all schools owned and conducted by individuals, shall be taxed as other property.

Mr. Henricks offered to amend the seventh clause as follows:

Strike out "320 acres," and insert "120 acres."

On motion,

The bill and amendments were referred to the Committee on Education.

No. 242. A bill providing for enclosing the Tippecanoe Battle Ground, and for the protection of the same.

Was read a second time.

Mr. Fisher offered the following amendment:

Amend by striking out from the enacting clause, and provide for repairing the present fence.

Mr. Roberts moved to amend by striking out the words "ten thousand," and insert "six thousand."

Mr. Black moved to amend by striking out the words "iron fence," and insert "wooden fence."

The bill, with the pending amendments, was referred to the Committee on Ways and Means.

No. 241. A bill to provide what counties shall hereafter compose each of the Third, Fifth and Sixth Judicial Circuits, and to fix the times of holding the Courts in said Circuits, and to repeal all laws in conflict herewith.

Was read a second time.

Mr. Allen moved to amend as follows :

"By striking out Green from the third judicial circuit. Amend further, by inserting Green in sixth judicial circuit."

The bill and amendments were referred to the Committee on the Organization of Courts.

No. 244. A bill to amend section one of an act entitled "an act fixing the time for holding the Circuit Courts in the 12th judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," approved March 2, 1859.

Was read a second time and referred to the Committee on the Organization of Courts.

No. 246. A bill to repeal all laws authorizing judges of the Circuit Courts to hold special or adjourned terms thereof, and legalizing the holding of such Courts.

Was read a second time.

Mr. Frasier offered the following :

Amend so as to take away the power of Judges to appoint substitutes to hold their courts for them.

On motion,

The bill and pending amendment were referred to the Committee on the Judiciary.

No. 247. A bill to provide for taxing and collecting for the use

of the State, docket fees in certain civil and criminal cases to which the State is or may be a party.

Mr. Fisher moved to amend by striking out all that relates to publication in the Indiana Journal and Sentinel.

Which,

On motion,

Was referred to the Committee on Ways and Means.

No. 248. A bill to authorize the boards of Commissioners of the several counties through which the Wabash and Erie Canal runs to cause bridges to be built across said Canal.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 249. A bill to provide for the collection of taxes from persons wandering through the State without place of permanent abode.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 250. A bill to enable railroad companies incorporated under the general railroad law of May 11, 1852, that have gone on to construct their roads, but fail to complete the same within the time specified in said law, to retain the privileges of their charters and to complete or abandon the remainder or any part thereof thereafter; and to enable railroad companies so incorporated to extend their lines of railroad, and also to extend the time to complete railroads.

Mr. Ferguson moved to amend by striking out of the bill the Straight Line Road.

The bill was read a second time, and, with the pending amendment, referred to the Committee on Judiciary.

No. 251. A bill to amend the fourteenth section of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a second time, and referred to the Committee on the Organization of Courts.

No. 252. A bill to amend the second section of an act incorpor-

ating school townships, defining their powers, requiring the title of school lots to be vested in the corporated nature of the township, town or city in which the same is situated, authorizing public houses to be occupied for private schools, and also for other meetings, and to authorize the Common Council or Aldermen of a city, and the trustees of an incorporated town to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act, approved March 3, 1859.

Was read a second time, and referred to the Committee on Judiciary.

No. 253. A bill declaring the vending, selling or giving away of impure, adulterated, or drugged liquor or liquors as a felony, and prescribing the punishment therefor.

Was read a second time.

Mr. Stotsenburg moved to amend as follows :

“By providing that the County Commissioners shall have power to appoint a *taster* of liquors.”

Mr. Bingham moved to lay the amendment on the table.
Which was agreed to.

No. 254. A bill to provide for the revaluation and sale of forfeited school lands.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 256. A bill to secure the collection of rents in certain cases therein named, and to enable persons of small means to rent lands without giving personal or other security therefor.

Was read a second time.

Mr. Wood offered the following :

Amend by inserting in the proper place “for the hire of laborers shall be paid before such rent shall be satisfied.”

On motion,

The bill and pending amendment were referred to the Committee on Agriculture.

MR. SPEAKER:

The Committee on Engrossed Bills have examined House bills No. 173 and 199, and find them correctly engrossed.

NOAH ANDERSON, *Ch'n Committee.*

HOUSE BILLS ON THIRD READING.

No. 84. A bill regulating interest on money, and to repeal an act, entitled "an act concerning interest on money," approved May 27, 1852, and all other laws or parts of laws in conflict with this act.

Was taken up.

The question pending at the adjournment on yesterday, was the motion made by Mr. Stotsenburg, to indefinitely postpone the amendments offered by Mr. Branham.

Which, by the consent of the House, Mr. Stotsenburg withdrew.

Mr. Branham offered the following:

Strike out all that relates to usury; also, strike out "ten" and insert "six."

The question recurring on the adoption of the amendment offered by Mr. Branham,

Mr. Cameron moved the previous question.

Which was seconded.

The question being, shall the main question be now put.

Which was ordered.

The question being first on striking out "ten," and inserting "six,"

Messrs. Stotsenburg and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Campbell, Cason, Collins of Adams, Combs, Coopridger, Crain, Dashiel, Davis, Dobbins, Edson, Ferguson, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Hall, Howard, Harvey, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, Moss, Mutz, Owens, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Trier, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Bundy, Burgess, Cameron, Epperson, Erwin, Fisher, Fraley, Haworth, Hayes, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Lee, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Polk, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Warrum, Williams, and Woods—31.

So the amendment was adopted.

The question recurring on the motion to strike out all relating to usury.

Messrs. Roberts and Edson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Boydston, Branham, Bundy, Burgess, Cameron, Campbell, Cason, Combs, Coopridier, Crain, Dashiell, Davis, Edson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lee, Lightner, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Ragan, Randall, Robbins, Sloan, Smith of Bartholomew, Smith of Miami, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Boydston, Collins of Adams, Epperson, Horton, Howard, Jones of Tippecanoe, Knowlton, Lods, Lane, Prow, Roberts, Stevenson, Stotsenburg and Trier—14.

So the amendment was adopted.

Mr. Branham moved to refer the bill to the Committee on the Judiciary.

Mr. Davis offered the following amendment:

Amend by making it usury where a greater amount than ten per cent. is taken.

Which the Speaker ruled out of order.

Mr. Stotsenburg offered the following amendment :

Amend by inserting the following additional section: No Individual or corporation, banking or otherwise, shall at any time hereafter, in any case whatever, charge, reserve, receive or contract for any greater rate of interest than six per cent., including therein exchange and allowing also for the computation of interest in advance, according to any standard rules and tables for the computation of the same.

Mr. Knowlton moved to indefinitely postpone the bill and pending amendments.

Mr. Woodhull moved to lay the motion to postpone on the table.

Messrs. Edson and Roberts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson. Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Combs, Coopridner, Crain, Dashiel, Davis, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lee, Lightner, Lane, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Randall, Robbins, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Anderson, Black, Collins of Adms, Dobbins, Edson, Epperson, Fleming, Ford, Gore, Horton, Howard, Kitchen, Knowlton, Lods, Lane, Prosser, Prow, Ragan, Roberts, Stotsenburg and Trier—21.

So the motion to indefinitely postpone was laid on the table.

Mr. Bundy moved to lay the amendment of Mr. Stotsenburg on the table.

Which was agreed to.

The bill, as amended, was then referred to the Committee on the Judiciary.

On motion by Mr. Prosser.

The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

The Speaker laid before the House the following communication, from the Attorney General:

To the Speaker of the House of Representatives:

SIR:—In obedience to the resolution of the House, "that the Attorney General of the State be requested to examine the matters in relation to the damage done to the lands of Lake and adjoining counties, by the Calumet feeder dam, and that he report to this House what measures are necessary to remedy the evils complained of." I have investigated those matters as thoroughly as time and circumstances would permit, and now have the honor to report:

That the dam in question is within the State of Illinois, and was erected, and up to this time, has been maintained by officers acting in obedience to a law of that State.

I can find no act or resolution of the Legislature of Indiana, authorizing or in any way sanctioning the erection of it.

Illinois could not confer the right to obstruct the Calumet river, so as to flood lands in Indiana, and the rights of Indiana and her citizens are the same as they would have been had the dam in question been erected without any authority whatever.

In 1857, the Legislature of Indiana passed an act which was intended to confer upon Illinois the right to maintain the dam for the period of five years, upon certain conditions expressed in the act, which I am informed, were not complied with in any respect, on the part of Illinois, and in 1859 that act was repealed.

Under the circumstances, I deem it unnecessary to discuss the question whether or not the Legislature of Indiana has the power to appropriate the property of her citizens, or to authorize the same to be appropriated, without their consent, to the use of another State or

its citizens. If such an extraordinary power can exist in any government where any respect whatever is paid to the rights of the citizen, the object which the Legislature had in view in passing the act of 1857, has not been accomplished, and the rights of the parties injured remain the same as if the dam had been erected and maintained without any color of legal authority.

One remedy which might be resorted to, is the completion of a ditch which was commenced in 1857, and which if completed, would divert the water of the Calumet from that part of its natural channel in which the dam is situated, and drain the lands overflowed by it.— This, however, might result in injury to citizens of Illinois, or to the State of Illinois, and place Indiana as much in the wrong as Illinois now is.

An action or suit in chancery, for the purpose of abating the dam, may be sustained either in a State court of Illinois, or in the District court of the United States for the district of Illinois.

If the State of Indiana is injured in her political capacity, or in her property, she may sue in her own name, and make the State of Illinois, or her officers or agents or both, defendants, according to circumstances, and in such case, if Illinois should not be made a defendant, the circumstances would probably enable the State of Indiana and her citizens to join as plaintiffs. No citizen of this State can sue the State of Illinois, but every citizen of this State may sue the officers and agents who are charged with the maintainance of the dam in either of the courts mentioned.

Whether the State or an individual should be plaintiff, I have no doubt that a suit would result in securing proper relief; but in either case, it should be known that Indiana is virtually, if not in fact, a party; for Illinois will be the real party in interest, whether a party to the record or not, and her treasury will bear the expenses; and a contest between a great State and a few individuals of small means, in the form of a tedious and expensive law suit, would be very unequal.

It is said that the flooding of the lands along the Calumet above the dam, is a serious obstruction to travel between Lake Michigan and the county south of the Calumet, whose trade naturally tends to Chicago and the Lake.

The number of acres overflowed by the dam is said to be about 30,000, and these lands which are now of no value, would be, if drained, worth probably not less than half a million, and perhaps a million of dollars.

The injury and inconvenience to any one individual is too small to justify his engaging in a law suit with a State, with the prospect of its costing him more, even if successful, than his land would be worth if drained; and those who have experience in such matters, know that however willing a few may be, much the greater number of the individuals concerned could not probably be induced to contribute their fair proportions to a common fund for the purpose of prosecuting a suit. These considerations seem to me to call upon the State to interpose for the protection of her citizens against the injuries

complained of, which have been inflicted at the instance and by authority of another State.

Respectfully submitted,

JAS. G. JONES, *Attorney General.*

Which was read and referred to the Committee on Rights and Privileges of the Inhabitants of the State, with instructions to report a bill or joint resolution.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit.

House bill No. 104. A bill to provide for a deficiency in the State Treasury, by a loan of seventy-five thousand dollars, from the Commissioners of the Sinking Fund, and for the security and re-payment of the same.

Message from the House, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

“House bill No. 1. A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.”

With the following engrossed amendments thereto, to-wit:

Insert after the word “offences,” in the sixth line of the tenth section, “except so much, and so far only, as provides punishment for the same identical offence.”

Amend first section by inserting after the word “whatever,” in the seventeenth line, second page of the bill, the words “contrary to law.”

Also, insert after the word “corporations,” in the 23d line of first section, third page, the words “contrary to law.”

In which the concurrence of the House of Representatives is respectfully requested.

The amendments were concurred in, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Gore, Grover, Hall, Haworth, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moorman, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prow, Randall, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Coopridger, Dobbins, Edson, Fleming, Ford, Hayes, Kitchen, Knowlton, Lods, Moss, Mutz, Packard and Robbins—14.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

HOUSE BILLS ON THIRD READING.

No. 9. A bill to amend section one hundred and forty-eight of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17, 1852.

Was read a third time.

Mr. Parrett⁶ moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Edson, Gore, Hall, Howard, Nebeker, Robbins, Stotsenburg, Thompson and Warrum—9.

Those who voted in the negative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Dashiell, Davis, Dobbins, Epperson, Ferguson, Fisher,
Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Grover, Haworth,
Hayes, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe,
Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner,
McLean, Moss, Mutz, Newman, Orr, Owens, Packard, Parrett, Pitts,
Polk, Prow, Randall, Roberts, Sloan, Smith of Bartholomew, Smith
of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch,
Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—70.

So the bill did not pass.

No. 107. A bill to amend an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide a mode of taking down evidence in certain cases.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Ferguson,
Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gore,
Grover, Hall, Haworth, Hayes, Hopkins, Howard, Hudson Hurd,
Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Knowl-
ton, Lods, Lane, Lee, Lightner, McLean, Moorman, Moss, Mutz,
Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow,
Ragan, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew,
Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Un-
derwood, Veatch, Warrum, Wells, Williams, Wilson, Woods and Mr.
Speaker—79.

Mr. Stotsenburg voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

N. 103. A bill to provide for the erection and repair of any bridge across a stream forming the boundary between two counties, and to repeal section 7 of an act approved March 3, 1855, entitled "an act to provide for the erection and repair of bridges," and to repeal an act, entitled "an act to provide for the erection and repair of bridges," approved May 12, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Dashiell, Davis, Edson, Epperson, Erwin, Feagler,
Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall,
Harvey, Haworth, Hayes, Hopkins, Howard, Hudson, Hurd, Jones
of Tippecanoe, Jones of Wayne, Kitchen, Lods, Lane, Lee, Light-
ner, McLean, Moorman, Nebeker, Newman, Orr, Owens, Packard,
Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sloan,
Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Thomp-
son, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson,
Woodhull, Woods and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Black, Dobbins, Fleming, Jenkinson, Stotsenburg and
Trier—6.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 167. A bill concerning promissory notes, bills of exchange, bonds or other instruments in writing signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coop-
rider, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Fleming, Ford,
Fordyce, Frazier, Gifford, Goar, Grover, Hall, Haworth, Hayes,
Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe,
Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee,
Lightner, McLean, Nebeker, Newman, Orr, Owens, Packard, Parrett,
Prow, Ragan, Randall, Roberts, Sloan, Smith of Bartholomew,
Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Under-
wood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speak-
er.—68.

No one voting in the negative.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

No. 44. A bill to amend the first section of an act entitled "an
act to provide for the management and disposal of the estates of per-
sons who have absented themselves from their usual place of resi-
dence and gone to parts unknown, approved March 5, 1859.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker,
Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Adams,
Crain, Davis, Dobbins, Edson, Erwin, Ferguson, Frasier, Gifford,
Goar, Grover, Hall, Haworth, Hayes, Hopkins, Hudson, Hurd, Jen-
kinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen,
Knowlton, Lods, Lane, Lee, Lightner, McLean, Nebeker, Newman,
Orr, Owens, Packard, Parrett, Prow, Ragan, Randall, Roberts, Sloan,
Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg,
Trier, Thomas, Underwood, Wells, Williams, Woodhull, Woods and
Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Cason, Combs, Coop-
rider, Ford and Fordyce—5.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

House bill No. 190. A bill to provide for the expenses of the present session of the Legislature.

Mr. McLean moved to suspend the order of business for the introduction of bills and resolutions.

Which was agreed to.

BILLS INTRODUCED.

House bill No. 263. A bill to amend section seventeen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a first time and passed to a second reading.

No. 264. A bill to amend the 51st section of an act entitled "an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.

Which was read a first time and passed to a second reading.

House bill No. 265. A bill to amend the fourteenth section of an act entitled "an act to amend an act entitled 'an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto,' approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859," approved March 1, 1859.

Which was read a first time and passed to a second reading.

House bill No. 266. A bill for the purchase of certain volumes of Blackford's Reports, and providing for the distribution thereof.

Which was read a first time, and passed to a second reading.

House bill No. 267. A bill to amend the sixth section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852, and adding a supplemental section to said act.

Which was read a first time and passed to a second reading.

No. 268. A bill providing for service of summons in actions against sheriffs and their sureties of their official bonds.

Was read a first time and passed to a second reading.

House bill No. 269. A bill supplemental to an act passed March 3, 1855, entitled "an act to establish a Bank with Branches."

Which was read a first time and passed to a second reading.

House bill No. 270. A bill to amend the four hundred and sixty-seventh section of "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts in this State, to abolish distinct actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Which was read the first time and passed to a second reading.

House bill No. 271. A bill to authorize turnpike and plank road companies, heretofore incorporated under any special act of the General Assembly of this State, to obtain materials for the repair thereof from any lands adjacent thereto.

Which was read a first time and passed to a second reading.

By Mr. Edson,

House bill No. 272. A bill to amend sections six hundred and fifty-six and six hundred and sixty-one of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Which was read a first time, and passed to a second reading.

House bill No. 273. A bill to amend section 75 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1851.

Which was read a first time, and passed to a second reading.

House bill No. 274. A bill regulating the fees of county auditors, and repealing former laws in conflict with this act.

Which was read a first time and passed to a second reading.

House bill No. 275. A bill authorizing turnpikes and plank road companies heretofore incorporated under any special act of the General Assembly of the State of Indiana, to alter the time of holding their annual elections for director of such companies, and repealing all acts in conflict therewith.

Which was read a first time and passed to a second reading.

House bill No. 276. A bill to amend the twelfth section of an act, entitled "an act regulating the fees of officers, and repealing former acts in relation thereto," approved March 2, 1855, so as to give prosecuting attorneys a docket fee in divorce cases.

Which was read a first time, and passed to a second reading.

House bill No. 277. A bill to amend section one of an act, entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers, in relation thereto," approved March 5, 1859.

Which was read a first time and passed to a second reading.

House bill No. 278. A bill respecting assignments of goods by way of mortgage, prescribing what goods they shall cover, and the extent of the lien the mortgage shall have thereon.

Which was read a first time and passed to a second reading.

Mr. Newman, by unanimous consent, moved to take up the following message from the Senate.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof, to-wit:

"Senate bill No. 86. A bill to amend the fourth, sixth, seventh, and forty-ninth sections of an act, entitled 'an act to amend an act to authorize and regulate the business of general banking,' approved March 3, 1855."

In which the concurrence of the House of Representatives is respectfully requested.

The bill was read a first time, and passed to a second reading.

House bill No. 279. A bill supplemental to an act, entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty of for the violation of this act," approved February 26, 1857.

Which was read a first time and passed to a second reading.

By Mr. Edson,

House bill No. 280. A bill to repeal an act, entitled "an act providing for voluntary assignments of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859.

Which was read a first time and passed to a second reading.

House bill No. 281. A bill providing for the compensation of district attorneys, and regulating their fees.

Was read a first time and passed to a second reading.

Mr. Williams moved to take up Senate bill No. 177.

Which was agreed to.

Senate bill No. 177. A bill to amend the fifth section of an act, entitled "an act to fix the times of holding the Common pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Was read a second time, and,

On motion by Mr. Williams,

Referred to a Select Committee of four, consisting of

Messrs. Williams, Roberts, Dashiell and Wilson.

House bill No. 282. A bill to amend section 14 of an act, entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties, in civil cases.

Which was read a first time and passed to a second reading.

Mr. Stotsenburg obtained leave and introduced the following resolution:

Resolved, That the Committee of Thirteen, to whom have been referred all matters and resolutions of a national character be, and they are hereby instructed to make, on next Monday afternoon at 2 o'clock, their final report upon the matters and resolutions of a national character, heretofore referred to them.

Pending the consideration of which,

On motion by Mr. Haworth.

The House adjourned till to-morrow morning, at 9 o'clock.

THURSDAY, MORNING, 2 o'clock, }
February 21, 1861. }

The House met.

On motion by Mr. Newman,
The reading of the journal was dispensed with.

Mr. Jenkinson moved to reconsider the vote on the passage of House bill No. 5.

Mr. Frasier moved to lay the motion to reconsider on the table.

Messrs. Jenkinson and Roberts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Cameron, Campbell, Cason. Dashiell, Epperson, Feagler, Ferguson, Frasier, Horton, Lane, Lee. Moorman, Orr, Prosser, Ragan, Randall Sloan, Thomas, Thompson, Woodhull, Woods and Mr. Speaker.—25.

Those who voted in the negative were,

Messrs. Atkinson, Branham, Bundy, Collins of Adams, Combs. Coopridger, Davis, Dobbins, Edson, Erwin, Fisher, Fleming, Ford,
H. J.—35.

Fraley, Gifford, Goar, Grover, Hall, Hayes, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Wayne, Kitchen, Lods, Lightner, McLean, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Robbins, Roberts, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Turner, Underwood, Warum, Wells and Wilson--51.

So the motion did not prevail.

The question being on reconsidering the vote,
It was agreed to.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Stotsenburg,

A petition from sundry citizens of Georgetown township, Floyd county, Indiana, praying that the Commissioners to the Peace Conference of the States at Washington, be instructed to co-operate with the friends of compromise in adjusting our national difficulties on the basis of the Crittenden propositions, or some other basis equally fair and honorable.

Was read and referred to the committee of thirteen on federal relations.

By Mr. Randall,

A memorial from J. D. G. Nelson, on the subject of sheep being killed by dogs.

Which,

On motion,

Was referred to the Committee on Agriculture.

By Mr. Anderson,

A petition from sundry citizens of the State on the subject of protection to stock.

Which,

On motion,

Was referred to the Committee on Agriculture.

By Mr. Packard,

A petition from sundry citizens of the State of Indiana asking instructions to the Commissioners to the Conference of States at Washington to co-operate with the friends of compromise to adjust our national difficulties on the basis of the Crittenden propositions,

or some other basis equally honorable, and that our Senators and Representatives in Congress be requested to vote in favor of such an adjustment.

Was read and referred to the committee of thirteen on federal relations.

By Mr. Kendrick,

A memorial from Morrison & Ray presenting their bill for services as attorneys in the case of James and others vs. the Trustees of Blind Asylum, touching the title to the grounds occupied by said Asylum—\$1,000.

Read and referred to the Committee on Claims.

By Mr. Burgess,

A petition presenting an accompanying claim of N. L. Cunningham, and requesting its reference to the Committee on Claims.

So referred.

REPORTS FROM STANDING COMMITTEES.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 99, introduced by Mr. Brueker, entitled "a bill to amend an act entitled 'an act providing for the safe keeping of the 'public money,' " have had the same under consideration, and instruct me to report back to this House that in the opinion of said Committee further action upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Branham, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred resolution No. 10, instructing the Committee "to inquire into the expediency of having a good substantial iron fence around the Governor's Circle in the city of Indianapolis," have had the same under consideration, and report that the proposed improvement is inexpedient.

The report was concurred in.

Mr. Gifford, from the Committee on Ways and Means, made the following report :

MR. SPEAKER :

The Committee of Ways and Means, to whom was referred the petition of certain citizens of the counties of Franklin and Dearborn, complaining that the property of Harrison, New Trenton, Rochester and Brookville Turnpike Company is appraised for taxation at too high a rate, and praying for the passage of an act to authorize the re-apprisement of the same, have had the petition under consideration, and report that while they find the ground of complaint set forth in the petition to be true and valid, and the petitioners entitled to relief, no action on the petition is necessary on the part of this House, from the fact that adequate relief is already amply provided by the Revised Statutes of 1852, volume 1, chapter vi., section 82 of which chapter provides that the county auditor "shall from time to time correct all errors which he may discover in his duplicate," among other particulars specified in "the amount of tax charged," *Provided*, however, agreeable to the provisions of section 86 of the same chapter, that "he shall in no case reduce the amount returned by the assessor, without the written assent of the Auditor of State, given on a statement of facts submitted by the county auditor."

The Committee, therefore, believing that the existing laws fully provide a remedy for the evil complained of, report further action on the petition inexpedient.

On motion,

The report was concurred in.

Mr. Grover, from the Committee on Education, made the following report :

MR. SPEAKER :

The Committee on Education, to whom was referred a resolution of the House inquiring into the expediency of so amending the school law as to require the ten per cent. school tax levied in each county to be retained in the same, have instructed me to report the resolution back and recommend that it be referred to the Committee on the Judiciary.

The report was concurred in.

Mr. Grover, Chairman of the Committee on Education, made the following report :

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 239, "a bill to amend the sixth section of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and auditor of State," approved June 21, 1852, with pending amendments, have had the same under consideration, and have instructed me to report it back, with the recommendation that the amendments lie upon the table and that the bill be amended as follows:

Strike out from the enacting clause and insert the following:

That the sixth section of an act, entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, which reads as follows:

SEC. 6. The following property shall be exempt from taxation:

First. The real and personal property of the United States, and of this State.

Second. Every school house, court house, market house, poor-house and jail, and the land whereon such buildings are situated, and all county lands and buildings, set apart for county purposes.

Third. All fire engines, hose, hooks, ladders, and other apparatus for the extinguishment of fires, and all fire engine houses, with the land on which the same may be situated, and all powder magazines, with the land on which they may be situated, belonging to or owned by any incorporated town or city in this State, and held by such town or city for the use, benefit, safety or convenience of the public.

Fourth. Every building erected for religious worship, and the pews and furniture within the same, and the land whereon such building is situate, not exceeding ten acres; also every cemetery.

Fifth. Every building erected for the use of any library, benevolent or charitable institution, or scientific institution, or erected for the same purpose by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also the personal property belonging to any institution, town, town-

ship, city or county, and connected with or set apart for any of the purposes aforesaid.

Sixth. All lands granted for the use of common schools, so long as the same shall remain unsold.

Seventh. The personal property and real estate of every manual labor school or college incorporated within this State, when used or occupied for the purposes for which it was incorporated, such real estate not to exceed three hundred and twenty acres.

Shall be amended to read as follows, viz :

SEC. 6. The following property shall be exempt from taxation :

First. The real and personal property of the United States and of this State.

Second. Every school house, court house, market house, poor-house and jail, and the land whereon such buildings are situate, and all county lands and buildings set apart for county purposes.

Third. All fire engines, hose hooks, ladders, and other apparatus for the extinguishment of fires, and all fire engine houses, with the land on which the same may be situated, and all powder magazines, with the land on which they may be situated, belonging to or owned by any incorporated town or city in this State, and held by such town or city for the use, benefit, safety or convenience of the public.

Fourth. Every building erected for religious worship, and the pews and furniture within the same, and the lands whereon such building is situate, not exceeding ten acres; also, every cemetery.

Fifth. Every building erected for the use of any literary, benevolent, charitable or scientific institutions, by any individual or individuals, association or corporation, so long as the same shall be used exclusively for such purposes, and every building erected for the same purposes by any town, township or county, and the tract of land on which such building is situate, not exceeding twenty acres; also, the personal property belonging to any institution, town, township, city or county, and connected with or set apart for any of the purposes aforesaid.

Sixth. All lands granted for the use of common schools, and all lands granted or belonging to any city or town for school purposes, so long as the same shall remain unsold.

Seventh. The personal property and real estate of any manual labor school or college incorporated within the State, when used or

occupied for the purposes for which it was incorporated, such real estate not to exceed three hundred and twenty acres.

Mr. Davis moved to amend as follows:

To insert in the proper place "one hundred and sixty acres," instead of "three hundred and twenty acres."

Mr. Branham moved to amend by inserting on page seven, at the close of the second subdivision, "and the lands and improvements thereon of county agricultural societies, so long as they shall be used exclusively by such societies."

The question being on adopting the amendments proposed.
It was agreed to.

Mr. Stotsenburg moved to amend by inserting "personal property of insane persons, idiots, deaf and dumb, and blind persons. not exceeding three hundred dollars."

Which was adopted.

Mr. Ferguson moved to amend by inserting in the proper place, "males of the age of sixty years and upwards, whose real and personal property does not exceed three hundred dollars."

Which was lost.

The bill as amended, was then ordered to be engrossed.

Mr. Harvey obtained leave of absence on account of sickness.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House, that he has approved and signed

House bill No. 104. An act to provide for deficiency in the treasury by a loan of seventy-five thousand dollars, from the commissioners of the sinking fund. and for the security and re-payment of the same.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House, that he has approved and signed

House bill No. 119. An act concerning the State, county, township and road tax, of the counties of Jasper and Newton.

Mr. Collins of Adams, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No 232. A bill to amend part six, section six of an act, entitled "an act providing for the valuation and assessment of the real and personal property," have had the same under consideration, and direct me to report it back, and recommend that it lie upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Dobbins, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the petition of Uriah Bullard, sr., J. T. Marlett, and over one hundred others, citizens and tax payers of Monroe township, Morgan county, Indiana, praying for the relief of John Ballentine, late treasurer of said township, who it seems has become liable to said township for the sum of one hundred and eighty dollars, which was deposited in the Savings Bank at Indianapolis, and which was wholly lost to said township treasurer by the failure of said Bank, have had the same under consideration, and said Committee have instructed me to report that in the opinion of your Committee, said John Ballentine should be released from the payment of said money to said township, as over one hundred of the tax payers and legal voters of said township have petitioned for his relief.

The Committee therefore instruct me to report the following joint resolution, and recommend its passage:

House joint resolution No. 33. A joint resolution for the relief of John Ballentine, late treasurer of Monroe township Morgan county, Indiana.

On motion by Mr. Parrett,
The whole subject was laid upon the table.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the memorial of Andrew J. Gray, asking that an allowance be made to the said Andrew J. Gray for expenses incurred by him in the return of divers persons, fugitives from justice, upon requisitions of the Governor of this State upon the Governors of other States, acting by authority of the Governor as agent on the part of this State, to proceed to certain other States for the purpose of demanding and receiving from the proper authorities of said other States, fugitives from justice, have had the same under consideration, and while your Committee does not decide against the justice of the claim, they are of the opinion that such claims ought to be heard and determined by the county commissioners in the counties where such fugitives are returned, or where the larceny or other violations of the laws are committed by such fugitives from justice, and your Committee recommend that the said claim be laid on the table.

Mr. Gresham moved that the report be recommitted to the Committee on Claims.

Mr. Ferguson moved to lay the motion to recommit on the table.
Which was agreed to.

The report was then concurred in, and memorial and claim laid on the table.

Mr. Bundy moved to suspend the order of business, and take up the majority and minority reports of the select committee of thirteen with joint resolution No. 7—a joint resolution on the present condition of national affairs.

Mr. McLean moved to amend the motion by making the reports the special order of the day for to-morrow at 2 o'clock P. M.
Which was not agreed to.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was agreed to.

The question being on the adoption of the amendment offered by Mr. Stotsenburg.

Messrs. Roberts and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren,
Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McLean,
Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins,
Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and
Warrum—36.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epperson,
Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier,
Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins,
Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick,
Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr,
Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas,
Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson,
Woodhull, Woods and Mr. Speaker—57.

So the amendment was not adopted.

The question being on concurring in the report of the majority of
the Committee, and the passage of the joint resolution,

Mr. Stotsenburg asked to be excused from voting.
Which was not agreed to.

Mr. Davis asked to be excused from voting.
Which was not agreed to.

Mr. Roberts asked to be excused from voting.
Which was not agreed to.

Mr. Cooprider asked to be excused from voting.
Which was not granted.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan,
Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epper-
son, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier,
Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson,
Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lee,
Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan,

Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Black, Brett, Collins of Adams, Davis, Ford, Gifford, Heffren, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Stevenson, Stotsenburg and Trier—26.

Messrs. Atkinson, Coopridger, Dobbins, Roberts, Smith of Bartholomew, and Warrum, were present, and not being excused by the House, refused to vote.

So the report was concurred in and the joint resolution passed.

Ordered, that the Clerk inform the Senate thereof.

The question being on the motion made by Mr. Sherman to reject the minority report.

By unanimous consent,

Mr. Sherman withdrew the motion to reject the report.

Mr. Frasier moved to concur in the minority report.

Mr. Stotsenburg offered the following amendment:

Amend after the word Indiana, in the first resolution, by striking out all after that word in the first resolution, and inserting the following: That one commissioner at Washington be instructed to vote in said conference for a basis of settlement upon the Crittenden basis, or any other fair and honorable mode of adjustment.

Messrs. Stotsenburg and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Horton, Howard, Jenkinson, Knowlton, Lods, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—35.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Wells, Williams, Woodhull, Woods, and Mr. Speaker—53.

So the amendment was lost.

Mr. McLean offered the following amendment:

Amend by striking out all after the word "Indiana," in the first resolution, and inserting the following: "That our Commissioners at Washington be, and they are hereby instructed to vote in the Peace Conference for a plan of adjustment upon the basis of the Border State resolutions, or any other equally fair and honorable adjustment of our national difficulties.

Mr. Cameron moved to lay the amendment on the table.

Messrs. Prosser and Heffren demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gore, Grover, Hall, Haworth, Henricks, Hudson, Hurd, Jones of Tippecanoe, Kendrick, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Woodhull, Woods and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Brucker, Collins of Adams, Combs, Coopridier, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Gresham, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Knowlton, Lods, Lane, Lee, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Veatch, Warrum, Williams and Wilson—43.

So the amendment was laid on the table.

Mr. Atkinson moved to amend as follows:

Strike out all that part of the report that relates to Ministers of the Gospel; and also, all that relates to the pledging of the State to furnish men to assist the South in case of war.

Which the Speaker decided to be out of order.

Mr. Stotsenburg offered the following:

Amend by striking out all after the word "Indiana," in the first resolution, and insert the following: "That our Commissioners to Washington be, and they are hereby instructed, to vote in said Conference in favor of a recommendation for a call of a Convention of States, under the fifth article of the Constitution."

Mr. Heffren moved to amend the amendment as follows.

Amend by striking out all after the word "Indiana," in the first resolution, and inserting the following:

WHEREAS, Differences of opinion have arisen between the Northern and Southern sections of the Union, respecting the common territories thereof, which threaten to involve the country in civil war—to avert so great a calamity, and to restore peace to the country, the State of Indiana proposes as a basis of settlement by proper constitutional enactment, to restore the Missouri Compromise line of 36 deg. 30 min., with all the rights of the people, North or South, as they formally existed; or any other reasonable and just arrangement which shall not infringe upon the rights of the people of any part of the Confederacy.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gresham, Hayes,
Heffren, Hopkins, Horton, Howard, Jenkinson, Knowlton, Lods,
Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Robbins,
Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier,
Warrum and Williams—36.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan,
Bundy, Burgess, Cameron, Campbell, Cason, Dashiell, Epperson, Er-
win, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford,
Goar, Grover, Hall, Haworth, Henricks, Hudson, Hurd, Jones of
Tippecanoe, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moor-

man, Nebeker, Newman, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods and Mr. Speaker—53.

So the amendment was lost.

Mr. Cameron moved to lay the amendment offered by Mr. McLean on the table.

Messrs. Stotsenburg and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Heffren, Hor-
ton, Howard, Jenkinson, Lods, McLean, Moss, Mutz, Owens, Pack-
ard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Smith of Barthol-
omew, Stevenson, Stotsenburg, Trier and Warrum—33.

So the amendment was laid on the table.

Mr. Prosser moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being on concurring in the minority report of the
committee of thirteen, and adopting the resolution,

Mr. Stotsenburg asked to be excused from voting.

Mr. Prosser moved a reconsideration of the vote demanding the
previous question.

When,

On motion by Mr. McLean,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

By unanimous consent,

On motion by Mr. McLean,

Resolved, That the use of the flag upon the dome of the Capitol be given to the Indianapolis "City Greys" for their annual ball on the evening of the 22d, in commemoration of the birth-day of the "Father of our country," the same to be returned by them after said ball.

Message from the Senate, by Mr. Tynner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the following resolution of the House, to-wit:

"Resolved, That the Senate be requested to return House bill No. 5."

And in accordance with said resolution, herewith transmit said bill.

Pending the adjournment was the motion by Mr. Prosser to reconsider the vote ordering the previous question on concurring in the minority report of the select committee of thirteen.

Which was agreed to.

Mr. Prosser then withdrew his motion for the previous question.

Mr. Polk moved to amend by adding the following:

Resolved, That it is impolitic and inexpedient to coerce by force of arms, seceding States.

Mr. Cameron moved to lay the resolution on the table.

Messrs. Heffren and Polk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epperson, Erwin, Feagler, Furguson, Fisher, Fordyce, Fraley, Frasier, Gore, Grover, Hall, Haworth, Henrieks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Atkinson, Black, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—33.

So the amendment was laid on the table.

Mr. Crain moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on concurring in the minority report of the committee of thirteen, and passing the resolutions,

Messrs. Heffren and Prosser demanded the ayes and noes.

Messrs. Atkinson, Roberts, Ford, Smith of Bartholomew, Owens and Black, asked to be excused from voting.

Which was not agreed to.

Those who voted in the affirmative were,

Messrs. Black, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Ford, Heffren, Horton, Howard, Jenkinson, Knowlton, Lods, McLean, Moss, Mutz, Packard, Pitts, Polk, Prosser, Prow, Roberts, Smith of Bartholomew, Stotsenburg, Trier and Warrum—28.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epper-

son, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—58.

So the motion did not prevail, and the resolutions were not adopted.

Pending the adjournment on yesterday was the consideration of the resolution offered by Mr. Stotsenburg on yesterday.

Mr. Cameron moved to lay the resolution on the table.

Messrs. Stotsenburg and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Atkinson, Black Collins of Adams, Combs, Coopridge, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, Mutz, Owens, Packard Pitts, Polk, Prosser, Prow, Roberts, Stevenson, Stotsenburg, Trier, Warrum and Wilson—32.

So the resolution was laid on the table.

No. 62. A bill to authorize the Bank of the State of Indiana to lay off and establish five additional bank districts, and to locate and establish branches therein,

Was called up.

Mr. Packard moved to indefinitely postpone the bill.

H. J.—36.

Which was decided out of order, on account of the motion being previously voted on.

Mr. Stotsenburg moved to recommit the bill with instructions to report an amendment providing that the privilege conferred by the bill is to be granted only upon the condition precedent that the President and Directors of the Bank of the State of Indiana and the several branches thereof shall enter their consent in the office of the Secretary of State, to the repeal of so much of section fifteen of the Bank charter as provides for the exemption of the capital stock of the Bank of the State from municipal taxation.

Mr. Veatch moved to lay the motion on the table.

Messrs. Stotsenburg and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Crain, Dashiel, Epperson, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moorman, Moss, Nebeker, Orr, Owens, Ragan, Sherman, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Atkinson, Black, Collins of Adams, Combs, Coopridner, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Gresham, Hayes, Heffren, Horton, Howard, Kitchen, Knowlton, Lods, Mutz, Packard, Parrett, Pitts, Polk, Prosser, Prow, Roberts, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—33.

So the amendment was laid on the table.

Mr. Heffren moved to recommit to a select committee of three, with instructions to report the following section :

SEC. 2. That the books for the subscription of stock shall be kept open in some public and convenient place from twelve o'clock (noon.) until four o'clock of said day, for six consecutive days, and said bank by its officers shall cause 30 days' notice of the time and place of the opening of the books, to receive subscription of stock, and should more stock be subscribed for than is allowed to each of said branches, then the same shall be divided *pro rata*, among all the subscribers.

Mr. Bundy moved to make the bill the special order of the day for to-morrow at 2 o'clock, P. M.

Mr. Stotsenburg moved to amend the motion by making the bill the special order of the day for Tuesday next, at 2 o'clock P. M.

Which was accepted by the mover.

House bill No. 62 was made the special order of the day Tuesday next, at 2 o'clock P. M.

Mr. Bundy moved to take up the following message from the Senate.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following resolution, to-wit:

Resolved, That a joint committee of eleven, five on the part of the Senate, and six on the part of the House, (to be so arranged as to select one from each Congressional District,) be appointed to district the State for Congressional purposes, in accordance with the census returns of 1860, and the ratio of representation fixed by Congress; and that the President of the Senate and the Speaker of the House be requested to confer together before appointing said committee.

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Bundy,
The resolutions were concurred in.

Ordered, That the Clerk inform the Senate thereof.

Mr. Packard moved that when the House adjourns it stand adjourned till Saturday morning 9 o'clock.

Which was not agreed to.

Mr. Dobbins moved to take from the table House bill No. 60, and refer the same to the Committee on the Judiciary.

Which was agreed to.

Mr. McLean, from the Committee on Enrolled bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled bills, to whom was referred House bill No. 1, being "an act defining certain felonies and misdemeanors, and prescribing penalties therefor, and providing for certain evidence on the part of the State," have carefully compared the enrolled copy with the original bills, and find the same correctly enrolled.

Mr. Heffren moved to make House bill No. 17 the special order of the day for Tuesday next, at 9½ o'clock A. M.

Which was agreed to.

Mr. Cameron moved to suspend the order of business to enable him to make a report from joint committee.

Which was not agreed to.

House joint resolution No. 22—on amending the Constitution of the State of Indiana.

Was read.

Mr. Roberts moved to strike out "thirty days," and insert "twenty days."

Mr. Prosser moved to amend by striking out "township," and inserting "county," and requiring a residence of ten days in the township.

Mr. Heffren moved to amend by inserting after "township," "incorporated city or town."

Mr. Bundy moved that the joint resolution and pending amendments be recommitted to the Committee on the Judiciary.

Which was not agreed to.

Mr. Frasier moved that the amendment be laid on the table.

Which was not agreed to.

The question being on the amendment offered by Mr. Prosser,

Mr. Moorman called for a division of the question.

Which was ordered.

The question being on the first branch of the question, being ten days in the township,

It was agreed to.

The question then being on the latter clause of the amendment, being thirty days in the county,

It was agreed to.

The question being on the amendment offered Mr. Heffren,

It was agreed to.

The question being on the passage of joint resolution No. 22,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brucker, Bryan, Cameron, Cason, Collins of Adams, Coopridger, Crain, Dashiel, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Hopkins, Horton, Howard, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Ragan, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wills, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Bundy, Campbell, Combs, Davis, Dobbins, Ford, Hudson, Jenkinson, Knowlton, Lods, Prow and Stotsenburg—12.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate.

On motion by Mr. Bundy,

The House adjourned till to-morrow morning 9 o'clock.

SATURDAY MORNING, 9 o'CLOCK, }
February 23, 1861.

The House met.

On motion by Mr. Gifford, the reading of the journal was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Stotsenburg,

A petition from sundry citizens of Pulaski county asking that our Commissioners at the Peace Congress of the States, at Washington, be instructed to co-operate with the friends of compromise in adjusting our national troubles on the basis of the Crittenden proposition or other honorable basis.

Read and referred to the Committee of Thirteen on Federal Relations.

By Mr. Polk,

A petition from sundry citizens of the State asking instructions to the Commissioners to the Conference of States, at Washington, to co-operate in adjusting our national difficulties on the basis of the Crittenden Compromise.

Read and referred to the Committee of Thirteen on Federal Relations.

By Mr. Branham,

A memorial from Devol & Fordyce for compensation for services in ditching swamp lands in Boone county.

Read and referred to the Committee on Claims.

By Mr. Jenkinson,

A petition from sundry citizens of the State asking that the Commissioners to the Conference of States, at Washington, be instructed

to co-operate in adjusting our national difficulties on the basis of the Crittenden propositions.

Referred to the Committee of Thirteen on Federal Relations.

By Mr. Edson,

A memorial from S. H. Floyd asking a law for the protection of the premises of certain citizens of the State from trespassers.

Read and referred to the Committee on Rights and Privileges of the inhabitants of the State.

By Mr. Dobbins,

A petition from sundry citizens of Martin county praying relief for the Treasurer of said county from liability for loss of money by a burglary committed in said office.

Read and referred to the Committee on Claims.

The Speaker laid before the House a remonstrance from sundry citizens of Martin county on the subject of the burglary of the Treasurer's office of said county.

Read and referred to the Committee on Claims.

By Mr. Roberts,

A petition from sundry citizens of the State asking that our Commissioners to the Conference of States, at Washington, be instructed to co-operate for the adjustment of our national difficulties on the basis of the Crittenden proposition.

Referred to the Committee of Thirteen on Federal Relations.

By Mr. Roberts,

PROCEEDINGS OF A UNION MEETING.

Pursuant to previous notice the people of Chesterville, Sparta township, in the county of Dearborn, met for the purpose of giving an expression of their fidelity to the Union, and also to express their opinion in regard to the various plans of compromise which have been proposed for the settlement of the difficulties which now distract the country.

On motion, Almarion Smith was called to the chair and Thomas Alexander was appointed Secretary.

The following resolution was then offered by James Wills and was unanimously adopted:

Resolved, That we, the citizens of Sparta township, without party

distinction, are willing to submit to any just and honorable compromise which the wisdom and patriotism of our statesmen may approve for the adjustment of the present political difficulties; but if such a compromise cannot be made, we pledge our lives, our fortunes and sacred honors to support the constitution as it is, with all its seeming defects, bought as it was, by the blood of our forefathers, believing it to be the best ever framed by mortal man.

On motion, it was ordered that the proceedings of this meeting be sent to the Hon. Omar F. Roberts, one of our Representatives in the Legislature, with the request that the same be laid before that body.

On motion, the meeting then adjourned.

A. SMITH, Chairman.

T. ALEXANDER, Secretary.

February 19, 1861.

Referred to the Committee of Thirteen on Federal Relations.

By Mr. Stotsenburg,

A petition from sundry citizens of Boone county asking instructions to our Commissioners at Washington to co-operate for the adjustment of our national difficulties on the basis of the Crittenden proposition.

Referred to the Committee of Thirteen on Federal Relations.

By consent, Mr. Turner offered the following resolution, which was not agreed to:

Resolved, That the Clerk of the House be directed to write immediately to the Clerks of the Circuit and Common Pleas Courts of the State and ascertain

First, How many cases have been docketed at each term during the years of 1859, 1860 and 1861.

Second, How many of them are civil and how many are criminal causes.

Third, How many estates are docketed in the records of the Court of Common Pleas, and how many guardian ships are likewise docketed.

With the request that they answer forthwith.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate

has concurred in the engrossed amendments of the House to Senate joint resolution No. 6, to-wit:

A joint resolution proposing an amendment to article 8 of the Constitution so as to enable cities, townships and towns to levy taxes for the support of Common Schools.

Messrs. Lods, Davis, Brett, Prosser and Ferguson asked and obtained leave of absence on account of sickness.

REPORTS FROM STANDING COMMITTEES.

Mr. Thompson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, have examined and carefully compared engrossed House bill Nos. 239, 5, and 138 with the original, and find them correctly engrossed.

Mr. Edson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 58, introduced by Mr. Cameron, entitled "a bill to repeal an act entitled, an act to amend section 42 of an act, entitled an act to establish courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1853, have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Which was concurred in, and the bill laid on the table.

Mr. Speaker laid before the House the following communication from the Warden and Physician of the State Prison:

To the General Assembly of the State of Indiana, and the Honorable Speaker of the House of Representatives:

Your memorialists would respectfully state to your honorable body that there are now confined in the State Prison at Jeffersonville, five convicts who are insane, and totally unfit to be confined here, that there is no law by which the same or others who may become insane, can be transferred from here to the Insane Asylum, where they

should be placed. By an examination of the last prison report, you will find that your attention is called to it. There is great danger from some of the insane that we now have, and safety to both persons and property require that some other disposition should be made of them. By being sent to the asylum for the Insane, some of them might be cured, while there is no hope for them here. We therefore humbly pray that you will enact such a law as will meet the exigencies of such cases. It is unnecessary to go into further argument to convince you of the propriety of this matter, as it is so obvious as scarcely to admit of any.

Your attention is therefore respectfully called to it.

Respectfully submitted,

D. W. MILLER, *Warden.*

WM. F. CALLUM, *Physician.*

Which was referred to the Committee on the affairs of the State Prison.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on Judiciary, to whom was referred House bill No. 84, "a bill concerning interest on money, &c.," with the accompanying instructions to strike out "ten" and insert "six," and also "to strike out all therein which relates to usury," have considered the same, amended the bill as directed, and now report said bill back to the House and recommend its passage. The Committee also recommend the following amendment to be inserted after the words "1852" in the third line of section ten thereof: "the fifty-first section of the act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

In support of the amendment, the Committee will say that in their capacity as lawyers, and in their observation of the administration of the criminal law, they have rarely known of prosecutions for usury, unless the prosecution had some spite or malice against the individual prosecuted. And the Committee respectfully submit that the Legislature should never hold out inducements to get up malicious prosecutions for a thing not in itself wrong. The amendment will harmonize the law and should be adopted.

Mr. Frazier moved to amend the bill as follows:

Amend by inserting in the fifth line in the third section after the word contract, the words "not exceeding six per cent."

Which was adopted.

Mr. Edson moved to recommit the bill with the following instructions: "strike out so much of the same as refers to the repeal of the fifty-first section of the misdemeanor act."

Which was not agreed to.

The question being on concurring in the report of the Committee, and adopting the amendments,

Mr. Edson and Mr. Heffren demanding the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopriders, Crain, Dashiell, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Haworth, Hayes, Henricks, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, Moorman, Nebeker, Newman, Orr, Parrett, Polk, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Dobbins, Edson, Fleming, Ford, Gresham, Hall, Heffren, Horton, Howard, Lods, Lane, Pitts, Prow, Ragan, Roberts, Stotsenburg and Trier—19.

So the report was concurred in, and the amendments adopted.

The question being on ordering House bill No. 84 to be engrossed,

Mr. Veatch moved to consider the bill as engrossed and read a third time now.

Which was agreed to.

House bill No. 84 was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Branham, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopriders, Crain, Dashiell, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Henricks, Hudson,

Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, Moorman, Nebeker, Newman, Orr, Parrett, Polk, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Dobbins, Edson, Fleming, Ford, Gresham, Heffren, Horton, Howard, Lane, Lods, Pitts, Prow, Ragan, Roberts, Stotsenburg and Trier—18.

The title of the bill was amended as follows :

“Insert after the words “1852” in the title the following: “the fifty-first section of the act defining misdemeanors, and prescribing punishment therefor,” approved June 14, 1852.

So the bill passed.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Branham moved to suspend the order of business and take up House bill No. 283.

Which was agreed to.

No. 283. A bill to provide for the payment of interest on the State debt, due January 1, 1861.

Was read a second time.

Mr. Branham moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridger, Crain, Dashiell, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gore, Gresham, Grover, Hall, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, Moorman, Mutz Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas,

Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—80.

No one voting in the negative.

So the rule was suspended, and House bill No. 283 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridge, Crain, Dashiell, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall Haworth, Hayes, Heffren, Henrieks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, Moorman, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Prow, Ragan, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—78.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the memorial of Nicholas Scherer praying that provision be made by law for the assessment sustained by him by the action of the Swamp Land Commissioners of Lake county by stopping him in the progress of work commenced by him on ditch No. 74, have had the same under consideration and are of opinion that the committee on swamp lands, having all matters pertaining to swamp lands at their command, is better prepared to investigate the same, and ask that the memorial be referred to the Committee on Swamp Lands.

Report concurred in and the memorial referred to the Committee on Swamp Lands.

Mr. Sherman, from the Committee on Rights and Privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges have had Senate bill No. 79—"an act to amend section four of an act entitled an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring a penalty for the violation of this act"—under consideration and have directed me to make the following report:

To amend the fifth line of the fourth section of this act by striking out September and inserting August, and when so amended to recommend its passage.

Which was concurred in and the amendment adopted.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 11, entitled a bill to amend sections 151 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852," have had the same under consideration and instructed me to report said bill to the House and recommend its passage.

The report was concurred in.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 169, introduced by Mr. Veatch, entitled "a bill to provide for change of venue in civil action, and for the appointment of another Judge to preside when the Judge of the Court in which the action is pending is incompetent, and to repeal all other laws on the same subject," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and ordered to be engrossed.

Mr. Roberts asked and obtained leave of absence.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 205—"a bill to encourage the construction of free turnpikes and to provide therefor"—have had the same under consideration and instruct me to report the same back to this House with the following amendments, to-wit:

Amend section one by striking out the words "a majority" and inserting the words "three-fourths."

Amend section two by inserting before the word "AcAdamized" the word "graded."

Amend section three by adding at the end of said section the following words, to-wit: "Provided said road be of general public utility."

And when so amended the committee recommend the passage of said bill.

The report was concurred in and amendments adopted.

The bill was then ordered to be engrossed.

Mr. Cason, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred House bill No. 92 introduced by Mr. Gifford, entitled "a bill prescribing the duties of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitures, unclaimed fees, and repealing all laws in conflict therewith," have had the same under consideration, and instruct me to report back to this House that in the opinion of this Committee, further legislation upon the subject is inexpedient, and that the said bill be laid on the table.

On motion by Mr. Gifford,
The bill No. 92 was re-committed to the Committee on Judiciary.

Mr. Jenkinson, chairman of the select committee on the Northern Penitentiary, made the following report:

MR. SPEAKER:

I beg leave to submit to the House the fact that William Bagot, a witness subpoenaed by the select committee to investigate the affairs of the Northern State's prison, is in contempt for failure to appear before said committee in pursuance of said subpoena, the same being duly served upon him, and five days given him since the service of the same at his residence in Ripley county, Indiana.

Mr. Jenkinson also offered the following resolution:

Resolved, That the Speaker of the House be directed to issue his warrant to the Sergeant-at-Arms of the House for the arrest of W. F. Bagot, as per a contempt of this House, in refusing to obey a subpoena to appear before a select committee, and bring him before the bar of the House.

Which was agreed to.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 108, "a bill to regulate the business of foreign insurance companies, corporations, associations, or individual underwriters of other nations and States, or the agent or agents thereof in the State of Indiana," have had the same under consideration, and instruct me to report the same back to this House, with the following amendment, to-wit:

Amend by striking out the following words, to-wit: "five thousand dollars," and insert the words, "twenty thousand dollars."

And when so amended the said Committee recommend the passage of this bill.

The report was concurred in and amendments adopted.

The bill was then ordered to be engrossed.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 49, introduced by Mr. Newcomb, entitled "a bill to provide for struck

juries in the Circuit and Common Pleas Courts," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The bill was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Coopridge, Crain, Dashiell, Edson, Epperson, Erwin, Feagler, Fisher, Fordyce, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hudson, Jones of Tippecanoe, Kendrick, Moorman, Newman, Roberts, Smith of Miami, Stotsenburg, Thomas, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—40.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Fleming, Ford, Fraley, Gifford, Hayes, Heffren, Horton, Howard, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Nebeker, Orr, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Sherman, Sloan, Smith of Bartholomew, Stevenson and Trier—33.

So the bill did not pass for want of a constitutional majority.

Mr. Jones of Vermillion, asked and obtained permission to present a petition of sundry citizens on the subject of working prison labor, signed by J. R. Conner and others.

Which was referred to the Committee on State Prisons, without reading.

Mr. Gresham moved to suspend the order of business, and take up House bill No. 286, and refer to the Committee on the Organization of Courts.

Which was agreed to.

Mr. Heffren obtained leave and introduced

House bill No. 293. A bill to amend sections fourteen and fifteen of an act entitled "an act defining felonies and prescribing punishment therefor.

Which was read a first time and passed to a second reading.

H. J.—37.

Mr. Bundy, by consent, introduced

Joint resolution No. 33. A joint resolution proposing amendments to the Constitution of the State of Indiana.

Mr. Stotsenburg offered the following amendment :

“Amend by adding in the proper place, ‘that the Constitution as made by the fathers of 1850 is good enough as it is, and we are opposed to any amendments thereof.

On motion by Mr. Cameron,
The amendment was laid upon the table.

The joint resolution was then referred to the Committee on the Judiciary.

Mr. Robbins, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry resolutions of the House upon the subject of mileage of sheriffs and county treasurers, have had the same under consideration and (from the best information which your Committee have been able to obtain upon the subject, compared with the law as it now stands upon the subject of mileage) have directed me to report to this House that in the opinion of the Committee further legislation upon that subject is deemed inexpedient.

Mr. Newman, of the Committee on the Organization of Courts of Justice, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 245, introduced by Mr. Roberts, declaratory of the meaning of the first clause of the eighth section, and also of the ninth section of the second article of chapter one, part second of the revised code of 1852, have had the same under consideration, and make the following report :

1st. Believing that it is the province of courts, and not the Legislature, to interpret the laws, and

2nd. That it is the uniform practice of courts, so far as the knowledge of your Committee extends, to give the sections recited in said act the intent and meaning asked for, therefore further legislation is deemed inexpedient, and recommend that said bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Lee, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on the Rights and Privileges of the Inhabitants of this State, to whom was referred the report of the Attorney General, in reply to the resolution of the House of Representatives in relation to the Feeder Dam on the Calumet River, have had the same under consideration, and in compliance with instructions, a majority of said Committee have instructed me to report the accompanying bill, and recommend its passage.

House bill No. 294. A bill to provide for the necessary judicial proceedings to procure the removal of the Feeder Dam erected across the Calumet River, in the State of Illinois, and for the payment of the expenses of such proceedings.

Was read the first time, and passed to a second reading.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 144, being a bill to amend section 94 of an act entitled, an act to provide for the assessment of real and personal property, and the collection of taxes in the State of Indiana, &c., have had the same under consideration and have directed me to report, that as said bill is incomplete and there is another in progress in the House which provides for the amendment contemplated by this bill, the Committee recommend that said bill No. 144, lie upon the table.

Which was concurred in, and the bill laid on the table.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township business, to whom were referred certain resolutions, together with the petition of J. F. Denny and others, directing them to inquire into the expediency of so changing the law as to provide fixed salaries for county officers, graduated

according to the population of the several counties, have had the same under consideration, and have directed me to report that in the opinion of said Committee the result of such legislation would be greatly to increase the burden of taxation upon the people, and that the graduation of such salaries as proposed would, under the construction given by the Supreme Court of the State to section 22 of article 4 of the Constitution, be unconstitutional and void. Said Committee therefore recommend that said resolution and petition, herewith reported back to the House, do lie on the table.

The report was concurred in and the petition and resolutions laid on the table.

Mr. Lane, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township business, to whom was referred House bill No. 158, "an act to amend the seventh section of an act entitled 'an act regulating the fees of officers, and repealing former acts in relation thereto,'" approved March 2d, 1855, have had the same under consideration, and have directed me to report it back and recommend that it be laid on the table.

Which was concurred in and the bill laid on the table.

Mr. Lane, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 123, "an act to authorize the owners of a town to vacate the lots, streets, alleys and squares therein," have had the same under consideration, and deem further legislation unnecessary, and have directed me to report it back to the House and recommend that it be indefinitely postponed.

Which was concurred in and the bill indefinitely postponed.

Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was

referred House bill No. 137, "a bill to amend sections ninety-four and ninety-five of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State,' approved June 21, 1852," have had the same under consideration, and have instructed me to report it back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Grover, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business to whom was referred House bill No. 121, "a bill supplemental to 'an act concerning county prisons,' approved May 27, 1852, and to authorize the establishment of work houses and the confinement of certain persons therein at labor," have had the same under consideration, and have instructed me to report that in their opinion the legislation provided by the bill is unnecessary, and that the bill lie upon the table.

Which was concurred in and the bill laid on the table.

Mr. Moorman, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred sundry petitions from various portions of the State with reference to dogs, to-wit: Nos. 1, 3, and 4, including resolutions of the Union Agricultural Society of the tenth Congressional District, beg leave to report that they have had the same under consideration, and having already reported a bill upon the subject matter referred to in said petition, we therefore recommend that said petitions be laid upon the table.

Which was concurred in, and the petitions and resolutions laid on the table.

Mr. Turner, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred the petition of John W. Ellis and others in relation to seed stock running at large, have had the same under consideration, and have instructed me to report that in their opinion, legislation on the subject is unnecessary.

Which was concurred in and the petition laid on the table.

Mr. Hurd, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 147: An act to amend section 68 of an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, empowering the common council, with the vote of two-thirds of its members, to improve streets and alleys without petition, upon notice, unless two-thirds of the property holders shall remonstrate, have had the same under consideration, and have requested me to report the same back and recommend its passage.

Which was concurred in.

Mr. Nebeker moved to lay the bill on the table,
Which was agreed to.

Mr. Erwin, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 202: A bill to amend section 650 of article 36 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, favoring an extension of the time in which mechanics can record their intention to take a lien on buildings and other property, have had the same under consideration, and deeming further legislation on the subject inex-

pedient, direct me to report the same back to the House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Coopridge, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred a resolution of the House inquiring into the expediency of giving to plank roads, turnpike and gravel road companies the same right to enter upon lands and appropriate materials for the construction and repair of said roads as now allowed by law to railroad companies, have had the same under consideration and direct me to report that it is inexpedient to legislate upon the subject.

Which was concurred in and the resolution laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Veatch, from a select committee, made the following report:

MR. SPEAKER:

The select committee, consisting of Messrs. Knowlton, Veatch and Edson, to whom was referred House bill No. 143, introduced by Mr. Bundy, entitled "a bill to amend the 9th section of an act regulating the fees of officers, and repealing former acts in relation thereto," have had the same under consideration and instruct me to report the same back to this House, with the following amendments, to-wit:

Amend by adding at the end of the words "tax and school fund," the following: "provided that no per centage whatever shall be allowed to the treasurer for money paid out on the redemption of county orders, but the treasurer shall be allowed 5 cents for each order redeemed and registered by him.

At the end of the 1st section, add, "ten cents for each tract of land sold for taxes."

And when so amended, the said committee recommend the passage of the bill.

The question being on concurring in the report of the committee, and adopting the amendments,

It was agreed to.

On motion,
The bill was ordered to be engrossed.

Mr. Robbins offered the following resolution :

Resolved, That when this House adjourns, it will adjourn to meet next Monday morning at nine o'clock, A. M.
Which was not agreed to.

Mr. Black offered the following resolution :

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of erecting an iron fence on the Tippecanoe Battle Ground, along the line of the rail road, and repairing the balance of the fence with the same material of which balance was built, and that they report by bill or otherwise.
Which was agreed to.

Mr. Haworth offered the following resolution :

Resolved, That no member of the House be allowed to speak on any subject longer than five minutes.

Mr. Stotsenburg moved to amend by striking out five and inserting fifteen minutes.

Mr. Cameron moved to lay the amendment on the table.

Mr. Stotsenburg moved to strike out five and insert two.
Which was not agreed to.

The resolution lay over under the rule.

Mr. Cameron offered the following resolution, which was decided out of order :

Resolved, That the House take up House bill No. 285, on apportionment, and read it a second time now.

Mr. Stotsenburg offered the following resolution :

Resolved, That 200 copies of the report of Hon. John H. Ray upon the condition of the State Agent's office and matters pertaining thereto be printed for the use of members of this House.

Which,

On motion of Mr. Nebeker,
Was laid on the table.

Mr. Nebeker offered the following resolution:

Resolved, That no leave of absence will hereafter be granted to any member except on account of sickness of himself or family, and that it be the duty of those applying for such leave to state the reason for such desire.

Which,

On motion of Mr. Heffren,
Was laid on the table.

Mr. Frasier asked leave of absence till Monday.

Mr. Combs asked leave of absence till Monday.

Mr. Bundy moved to lay the motions for leave of absence on the table.

Which was agreed to.

On motion by Mr. Bundy the House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

House met.

Mr. Stotsenburg obtained leave to introduce

House bill No. 295. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Was read a first time, and passed to a second reading.

Mr. Haworth offered the following resolution, which was agreed to:

Resolved, That the Assistant Clerk be directed to make out and cause to be published, at his earliest convenience after the session closes, a list of the acts and joint resolutions which have passed and which have been introduced in the House during the present session.

Mr. Brucker asked and obtained leave of absence on account of sickness.

HOUSE BILLS ON SECOND READING.

No. 285. A bill to apportion Senators and Representatives for the next six years.

Was read the second time.

Mr. Cameron moved to refer the bill to the joint committee on apportionment.

Mr. Stotsenburg moved to amend by referring to the House Select Committee.

Mr. Ford moved to lay the bill on the table and that three hundred copies thereof be printed for the use of members.

Which was not agreed to.

Mr. Williams moved to reconsider the vote just taken.

Which was agreed to.

Mr. Branham renewed the motion to lay the bill on the table and order three hundred copies printed.

Which was agreed to.

No. 203. A bill to provide for a registration of births, marriages, and deaths, and for the appointment of a registrar, defining and prescribing his duties and the duties of other officers and persons in relation thereto, providing for the publication annually of such registration of the officers performing the duties prescribed; also providing penalties for the violation of the law.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

Senate Bill No. 86. A bill to amend the third, fourth, sixth, seventh, and forty-ninth sections of the act entitled "an act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855.

Mr. Black moved to amend as follows:

Amend by striking out all that part requiring bonds to be changed in two years, and provide for all banks hereafter organized to have Indiana bonds.

Mr. Newman moved to amend by adding,

Whereas, Under the present law any banker or banking association can procure their own plates, dies, and other materials for engraving and printing blank notes, to prevent which an emergency exists for the immediate taking effect of this act, and it is hereby declared to be in force from and after its passage.

On motion,

The bill, with the pending amendments, was referred to the Committee on Banks.

No. 207. A bill to amend section one hundred and fifty-six of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time, and referred to the Committee on the Judiciary.

No. 208. A bill to amend section 26 of an act, entitled "an act to provide for the incorporation of rail road companies," approved May 11, 1852.

Was read a second time, and referred to the Committee on the Judiciary.

No. 209. A bill to amend the ninth section of an act, entitled an act to amend an act to authorize and regulate the business of general banking, passed the House of Representatives, and the Senate March 3, 1855, the Governor's objection to the contrary notwithstanding, and making disposition of certain moneys, arising from the sale of stocks, deposited to secure the redemption of the circulating notes of banking associations, organized under the general banking laws of this State, and providing for the redemption of the notes.

Which was read a second time, and,

On motion,

Referred to the Committee on Banks.

By consent, Mr. Hurd introduced,

House bill No. 296. A bill to amend section fifteen of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleasant Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Which was read a first time and passed to a second reading.

Mr. Heffren, by consent, moved to take from the table the report of the committee on the claim of John J. Morrison and to refer the same to the Committee on Swamp Lands.

Which was agreed to.

No. 215. A bill to regulate the practice of medicine and surgery.
Was read the second time, and

On motion,

Referred to the Committee on Rights and Privileges.

No. 210. A bill to abolish the death penalty and providing for imprisonment for life in all cases where under existing law death may be inflicted as the punishment for any crime.

Which was read the second time, and

On motion,

Referred to the Committee on Judiciary.

No. 211. A bill to authorize the superintendent or other person having charge of county asylums for the poor to discharge inmates from the same, and to apprentice minors put under their charge.

Was read a second time and referred to the Committee on Ways and Means.

No. 212. A bill to amend the third clause of section 123 and section 136, and to repeal sections 138, 139 and 140 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time and referred to the Committee on County and Township Business.

No. 213. A bill, entitled "An act defining certain felonies and prescribing punishment therefor."

Was read the second time, and

On motion,

Was referred to the Committee on Judiciary.

No. 214. A bill regulating marriages, prescribing who may issue license to marry and the form thereof; to whom license may issue, and the mode of recording the same; also prescribing the legal effect of such license and providing compensation therefor and penalties for the violation of the law.

Was read a second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 216. A bill to amend section seven of an act entitled "an act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court and for the compensation of such Reporter," approved February 5, 1852.

Was read a second time.

Mr. Stotsenburg moved the following amendment:

Amend by striking out §3 and inserting \$2.50, and §4 when it occurs and inserting §3.

On motion, the amendment was laid on the table.

The bill was referred to the Committee on the Judiciary.

No. 217. A bill supplemental to an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and to prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Was read the first time, and,

On motion,

Referred to the Committee on Corporations.

No. 218. A bill to legalize the incorporation of towns under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof.

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

No. 219. A bill to amend section first of an act entitled "an act to amend section three of an act entitled 'an act for the regulation of weights and measures, approved June 9, 1852,' approved February 28, 1855."

Was read a second time.

Mr. Williams offered the following amendment:

Mineral coal eighty-four pounds.

On motion,

The bill and amendment was referred to the Committee on Agriculture.

No. 220. A bill to amend section seventeen of an act entitled "an act regulating descents and the apportionment of estates," approved May 14, 1852.

Was read a second time and referred to the Committee on the Judiciary.

No. 221. A bill to extend the powers and duties of Notary Publics.

Was read a second time, and,

On motion,

Ordered, To be laid on the table.

No. 222. A bill entitled an act to provide for the organization of Life Insurance Companies.

Was read a second time and referred to the Committee on the Judiciary.

No. 223. A bill authorizing any person when necessary, to enter upon the lands of another and cut a ditch, and providing for the assessment of damages occasioned thereby.

Was read the second time and referred to the Committee on Agriculture.

No. 224. A bill to provide for the indexing of documents in the office of the Secretary of State, and appropriating money therefor.

Was read a second time and referred to the Committee on Ways and Means.

No. 225. A bill to provide for notice to defendants in certain cases, and supplemental to an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties, approved June 9th, 1852.

Was read the second time, and

On motion,

Was referred to the Committee on Judiciary.

No. 226. A bill to amend section ten of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the act shall take effect, and repealing all laws in conflict therewith.

Was read a second time, and

On motion by Mr. Lee,

Was referred to a select committ of three, consisting of Messrs. Lee, Crain and Owen.

No. 227. A bill supplemental to an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 229. A bill to provide for the redemption of real estate in certain cases within two years from the sale thereof, either by the judgment debtor or any *bona fide* creditor of such debtor.

Was read a second time.

Mr. Stotsenburg moved the following amendment:

Amend by inserting one year instead of two.

The bill and amendment was referred to the Committee on the Judiciary.

No. 255. A bill to enable the boards of trustees of the Wabash and Erie Canal, with the consent of the creditors of this State, whose debts are secured by said Canal, to lease said Canal, or parts thereof, for a term of years to private individuals, companies or corporations.

Was read a second time, and

On motion,

Referred to the Committee on Corporations.

No. 257. A bill fixing and providing for the compensation of the members of the General Assembly, the secretaries, clerks and door-keepers thereof, and repealing all laws conflicting therewith.

Was read a second time and referred to the Committee on Ways and Means.

No. 258. A bill to amend sections 684 and 686 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, so as to authorize a writ of assessment of damages in certain cases.

Was read a second time, and

On motion,

Referred to the Committee on Corporations.

No. 259. A bill supplementary to an act entitled "an act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1859.

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

No. 260. A bill to authorize constables to administer oaths in certain cases therein named.

Was read a second time and ordered to be engrossed.

No. 261. A bill to amend the sixth section of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of their stockholders in the same manner as is provided in said section for increasing capital.

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

No. 262. A bill to amend sections seventy-eight, seventy-nine, ninety-four, ninety-five, one hundred and forty-two, and one hundred and forty-three of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a second time and ordered to be engrossed.

No. 263. A bill to amend section seventeen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a second time and referred to the Committee on the Organization of Courts.

No. 264. A bill to amend the fifty-first section of an act entitled "an act for the incorporation of towns, defining their powers, pro-

viding for the election of officers thereof, and declarinig their duties," approved June 11, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on Corporations.

No. 265. A bill to amend the fourteenth section of an act entitled 'an act to amend an act entitled "an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1859.

Was read the second time, and,

On motion,

Referred to the Committee on Corporations.

No. 266. A bill for the purchase of certain volumes of Blackford's Reports, and providing for the distribution thereof.

Was read the second time, and

On motion,

Referred to the Committee on Ways and Means.

No. 267. A bill to amend the 6th section of an act authorizing the construction of plank, McAdamized and gravel roads, approved May 12, 1852, and adding a supplemental section to said act.

Was read a second time, and referred to the Committee on Corporations.

No. 268. A bill providing for service of summons in actions against sheriffs and their sureties of their official bonds.

Was read the first time, and

On motion,

Referred to the Committee on Judiciary.

No. 269. A bill supplemental to an act passed March 3, 1855, entitled an act to establish a Bank with Branches.

Was read the second time, and

On motion,

Referred to the Committee on Banks.

No. 270. A bill to amend the 467th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts in this State, to abolish distinct actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity.

Was read the second time, and

On motion,

Referred to the Committee on Rights and Privileges.

No. 271. A bill to authorize Turnpike and Plank Road Companies heretofore incorporated under any special act of the General Assembly of this State to obtain materials for the repair thereof from any lands adjacent thereto.

Was read the second time, and

On motion,

Referred to the Committee on Corporations.

No. 272. A bill to amend sections 656 and 661 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.

Was read a second time.

Mr. Stotsenburg moved to amend by striking out all of that part of the bill which makes the surety liable for whatever sums may be found due against the boat.

On motion,

The bill and amendment were referred to the Committee on the Judiciary.

No. 273. A bill to amend section 75 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time, and referred to the Committee of Ways and Means.

No. 274. A bill regulating the fees of county auditors and repealing former laws in conflict with this act.

Was read a second time, and referred to the Committee on Ways and Means.

No. 275. A bill authorizing turnpike and plank road companies heretofore incorporated under any special act of the General Assembly of the State of Indiana, to alter the time of holding the annual election of directors of such companies, and repealing all laws in conflict therewith.

Was read a second time, and referred to the Committee on the Judiciary.

No. 276. A bill to amend the twelfth section of an act, entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 2, 1855, so as to give prosecuting attorneys a docket fee in divorce cases.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 277. A bill to amend section one of an act, entitled "An act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.

Was read a second time, and

On motion,

Referred to the Committee on County and Township Business.

No. 278. A bill respecting assignments of goods by way of mortgage, prescribing what goods they shall cover and the extent of the lien the mortgage shall have thereon.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 279. A bill supplemental to an act, entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved Feb. 26, 1857.

Was read a second time, and

On motion,

Referred to the Committee on the Rights and Privileges of the Inhabitants of the State.

No. 280. A bill to repeal an act, entitled "An act providing for the voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859.

Was read the second time, and

On motion,

Referred to the Committee on Judiciary.

No. 281. A bill providing for the compensation of District Attorneys and regulating their fees.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 282. A bill to amend section fourteen of an act entitled "an act providing for the election and qualification of Justices of the

Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read the second time, and,

On motion,

Referred to the Committee on Judiciary.

No. 284. A bill to amend sections one, two and three of an act entitled "an act to provide for the re-location of county seats and for the erection of county buildings in case of such re-location," approved March 2, 1855, and to provide for the disposition of grounds and buildings heretofore used as county buildings, and to provide for appeals from the decisions of Boards of County Commissioners in relation thereto and to repeal all laws in conflict herewith.

Was read a second time and referred to the Committee on Rights and Privileges of the inhabitants of the State.

No. 288. A bill to provide for the detection and arrest of felons.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 287. A bill to amend an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time and referred to the Committee on County and Township Business.

No. 289. A bill to provide for the investment of the Sinking Fund in Indiana five per cent., and two and a half per cent. State stock.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 290. A bill to amend an act entitled "an act for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people," approved March 3, 1859.

Was read a second time, and,

On motion,

Referred to the Committee on Rights and Privileges.

No. 291. A bill supplemental to and to amend the first section of an act entitled "an act to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of

Temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned," approved June 17, 1852.

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 292. A bill for the establishment of a State Normal School.

Was read a second time, and,

On motion,

Referred to the Committee on Education.

BILLS INTRODUCED.

By Mr. Allen,

House bill No. 297. A bill to prescribe the time of holding the Circuit Courts in the third judicial circuit of the State of Indiana, the duration of the terms thereof, and making all process issued after the commencement of the terms of said court as now.

Which was read a first time and passed to a second reading.

By Mr. Stotsenburg,

No. 298. A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof, by any bank, individual or corporation.

Was read a first time and passed to a second reading.

By Mr. Bundy,

House bill 299. A bill to prohibit judges from practicing law in the courts of this State.

Was read a first time and passed to a second reading.

By Mr. Lee,

House bill No. 300. A bill to amend section six of an act entitled "an act prescribing the powers and duties of justices of the peace."

Was read a first time and passed to a second reading.

By Mr. Stevenson,

House bill No. 301. A bill to amend section fourteen of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852, and to confirm guardian sales of real estate heretofore made.

Was read a first time and passed to a second reading.

RESOLUTIONS.

On motion by Mr. Branham,

Resolved, That the Judiciary Committee be instructed to inquire whether we are complying with the constitution when we do business with less than a quorum present.

On motion by Mr. Underwood,

Resolved, That the Committee on Ways and Means be requested to inquire into the expediency of repealing all laws in reference to the assessment and collection of poll tax and report by bill or otherwise.

On motion by Mr. Black,

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of reporting a bill providing for the early payment of all school funds, principal and interest, due from this State to the Sinking Fund Commissioners.

Mr. Stotsenburg obtained leave to present a petition of sundry citizens of Harrison county upon the subject of raising sheep.

On motion,
Referred to the Committee on Agriculture.

On motion,
The House adjourned till Monday morning at 9 o'clock.

MONDAY MORNING, 9 o'clock, }
February 25, 1861. }

The House met.

On motion by Mr. Fisher,
The order of business was suspended and Senate bills on their second reading were taken up.

SENATE BILLS ON SECOND READING.

Senate bill No. 31. A bill to authorize and regulate the sale of, and to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations and to exercise corporate and other powers, and to legalize sales of railroads heretofore made.

Was read a second time.

Mr. Dobbins offered the following amendment:

Amend by inserting in the proper place,

SEC. —. That all the property passing in the possession of railroad companies organized under the provisions of this act shall be subject to sale on execution without regard to prior mortgages or liens, for any damages done by the cars and locomotives belonging to said railroad companies to any stock passing on said railroad.

On motion by Mr. Fisher,

The bill and amendment were referred to a select committee of three.

Messrs. Fisher, Crain and Bundy were appointed said committee.

Senate bill No. 16. A bill requiring township assessors to ascertain the number of sheep killed or injured by dogs, and their value.

Was read a second time.

Mr. Fleming offered the following amendments:

Amend by adding the following section:

SEC. —. That the Commissioners of each county shall cause to be paid out of the fund arising from the tax on dogs a sum not to exceed fifty cents to any person who shall exhibit to them a fox or wild cat scalp, and take and subscribe an oath that the fox or cat to which said scalp belonged was killed in the county, and that no such reward had been paid him therefor; but no more than twenty-five cents shall be paid for the killing of any fox or wild cat under the age of six months; and such Commissioners shall cause all such scalps thus exhibited to them to be immediately destroyed.

Amend by exempting one dog from taxation.

Mr. Jenkinson offered the following:

Amend by striking out 50 cents where it occurs, and insert the following:

Each head of family shall be entitled to keep one dog without taxation.

The bill and amendments were referred to the Committee on Agriculture.

Senate bill No. 18. A bill to amend section three hundred and fifteen of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read the second time and passed to a third reading.

Senate bill No. 26. A bill supplemental to an act entitled "an act to provide for the relocation of county seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a court house, and when a deed has been executed; to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location; and for the transfer of the former county property," approved December 22, 1852, so as to legalize and confirm the action of Boards of Commissioners, in cases where public property has been conveyed under the provisions of such act, and to provide for the conveyance of the asylum for the poor in certain cases, and to provide also that the Trustees created under the act to which this is supplemental shall constitute bodies politic and corporate.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 44. A bill to make the register, catalogue, tract book, plat book, and description of lands kept in the land offices of the United States, and in the Canal and Michigan Road land offices, and copies thereof *prima facie* evidence of the truth of their contents.

Was read the second time and passed to a third reading.

Senate bill No. 56. A bill to amend section ten of an act to amend the first section of an act entitled "an act to authorize the formation of new counties and to change county boundaries," approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four square miles, and prescribing how

the number of qualified voters shall be ascertained, approved March 5, 1859.

Was read the second time, and,

On motion,

Referred to the Committee on County and Township Business.

Senate bill No. 77. A bill to amend the 33d section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity.

Was read a second time and passed to a third reading.

Senate bill No. 25. A bill authorizing justices of the peace, notaries public, mayors of towns, and clerks of Circuit and Common Pleas Courts, to administer oaths generally, and county auditors in certain cases, and to legalize such as may heretofore have been administered by any such officers.

Was read a second time and passed to a third reading.

Senate bill No. 175. A bill to amend section forty-two of an act entitled "an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the Judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof, and the act amendatory thereto, approved March 5, 1859.

Was read the second time and,

On motion,

Referred to the Committee on Judiciary.

Senate bill No. 163. A bill to amend section 467 of an act entitled an act to revise, simplify and abridge the rules, practice and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 116. A bill to amend section seven of an act entitled an act to provide for the election of a Reporter, and a speedy publication of the Decisions of the Supreme Court, and for the compensation of such Reporter, approved February 5th, 1852.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 104. A bill to amend an act entitled an act to amend the first section of an act concerning real property, and the alienation thereof, approved May 6th, 1852, approved March 2d, 1859, and to legalize conveyances made by Indians, negroes, mulattoes and persons of mixed blood.

Was read the second time, and

On motion,

Referred to the Committee on Judiciary.

Senate bill No. 52. A bill to amend section 352 of an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18th, 1852.

Was read the second time and passed to a third reading.

Senate bill No. 46. A bill to amend the 57th section of an act entitled an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852, and supplemental thereto, to prevent illegal voting, to prevent emigration or passing from any other to this State, or from one county or township in this State to another county or township therein, or from any ward in any incorporated city or town to any other ward therein, for the purpose of fraudulent voting, prescribing penalties for aiding, abetting or assisting in such emigration or passing with intent to procure fraudulent voting, and to prevent forged or fraudulent poll books, ballots or returns, and prescribing punishment therefor, and to preserve the purity of elections.

Was read a second time and referred to the Committee on Elections.

Senate bill No. 38. A bill authorizing county auditors to purchase justices' dockets, and to pay for the same out of the county treasury, and to provide for the safe keeping of the same.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 36. A bill to amend section 49 of an act entitled an act to provide for the opening, vacating and change of highways, approved June 17th, 1852.

Was read a second time.

Mr. Fisher moved to amend as follows :

Amend by striking out all that relates to publication in the Journal and Sentinel.

On motion,
The bill and amendment were referred to the Committee on the Judiciary.

BILLS INTRODUCED.

House bill No. 302. A bill providing for the taking of the sense of the people upon the Crittenden and Border State propositions.

Was read the first time and passed to a second reading.

House bill No. 303. A bill to amend section seven of an act entitled an act providing for the election of clerks of the Circuit Court, and prescribing some of their duties, approved June 7th, 1852, and supplemental thereto, prescribing the management and disposition of certain funds therein named, and the duties of the county auditors and treasurers therewith, and fixing the penalties for the violation of this act, and repealing all laws in conflict with this act.

Was read the first time and passed to a second reading.

By Mr. Veatch,

House bill No. 304. A bill to provide for the salary of the Attorney General, and repealing all laws in conflict with this act.

Which was read a first time and passed to a second reading.

By Mr. Cameron,

House bill No. 305. A bill providing for the payment of the Indiana Peace Commissioners, and prescribing the mode and manner of payment, and the amount to be paid said Commissioners.

Which was read a first time and passed to a second reading.

By Mr. Ragan,

House bill No. 306. A bill to amend sections one and ten, also to repeal sections 3, 4, 5, 6, 7 and 8, of an act entitled an act to regulate and license the sale of spirituous, vinous and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contravening the provisions of this act, and prescribing penalties for the violation thereof, approved March 5th, 1859.

Which was read a first time and passed to a second reading.

By Mr. Heffren,

House bill No. 307. A bill to provide for the appointment of proper persons as supervisors of roads, ordered to be laid out and

opened by the board of commissioners, where such road extends into more than one township.

Was read a first time and passed to a second reading.

By Mr. Heffren,

No. 308. A bill providing the mode and manner of appraising real estate to be mortgaged to the school funds.

Was read a first time and passed to a second reading.

By Mr. Heffren,

No. 309. A bill concerning partition fences, and prescribing who may join fences.

Was read a first time and passed to a second reading.

By Mr. Cameron,

No. 310. A bill to provide for the government and discipline of the State prisons, and to repeal an act entitled "an act to provide for the government and discipline of the State prison," approved February 5, 1858, also so much of an act to provide for the erection of a new prison north of the national road, election of officers thereof, making appropriations, and for the regulation of the same, approved March 5, 1859, as may come in conflict with this act.

Was read a first time and passed to a second reading.

No. 311. A bill to empower the directors of the Bank of the State of Indiana, to close up the Branch at Plymouth, and to re-locate a Branch in lieu thereof at some other point.

Was read a first time and passed to a second reading.

No. 312. A bill to amend section nineteen of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Was read the first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 293. A bill to amend section fourteen and fifteen of an act entitled "an act defining felonies, and prescribing punishment therefor."

Was read a second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 294. A bill to provide for the necessary judicial proceedings, to procure the removal of the Feeder Dam erected across the Calumet, in the State of Illinois, and for the payment of the expenses of such proceedings.

Was read a second time.

Mr. Orr offered the following amendment:

Amend, in section five, by striking out "two thousand," and inserting "five hundred."

The bill and amendment were referred to the Committee on the Judiciary.

No. 295. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Was read a second time.

Mr. Jenkinson moved to amend by striking out one per centum, where it occurs, and insert one-half of one per centum.

On motion,

The bill and amendment was referred to the Committee on the Judiciary.

No. 296. A bill to amend section fifteen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a second time and ordered to be engrossed.

No. 297. A bill to prescribe the time of holding the Circuit Courts in the third judicial circuit of the State of Indiana, the duration of the terms thereof, and making all process from and after the first day of May, 1861, returnable to such terms, declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Was read a second time.

Mr. Allen offered the following amendment:

Strike out from the title the words "from and after the first day of May, 1861."

Amend by striking out of the third section "after the commencement of the terms of said court as now provided by law and before the taking effect of this act, or which may thereafter be issued previous to the commencement of said terms as herein provided."

Add word "which" in fifth line of section third.

On motion,

The amendments were adopted and the bill ordered to be engrossed.

No. 298. A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof by any bank, individual or corporation.

Was read a second time and referred to the Committee on Banks.

No. 299. A bill to prohibit judges from practicing law in the Courts of this State.

Was read a second time and ordered to be engrossed.

No. 300. A bill to amend section six of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 20, 1852.

Was read the second time, and,

On motion,

Referred to the Committee on the Judiciary.

No. 301. A bill to amend section fourteen of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852, and to confine guardian sales of real estate heretofore made.

Was read the second time and referred to the Committee on the Organization of Courts.

BILLS INTRODUCED.

By Mr. Heffren,

House bill 313. A bill to provide for the mode and manner of electing United States Senators.

Was read a first time and passed to a second reading.

By Mr. Grover,

House bill 314. A bill authorizing persons owning lands along any private roads to maintain gates thereon, and providing for a removal of the same.

Which was read a first time and passed to a second reading.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Packard,

A petition of sundry citizens of Marshall county, praying for the regulation of the sale of intoxicating liquors.

Was read and referred to the Committee on Temperance.

By Mr. Burgess,

A petition from sundry citizens of Hendricks county, praying that the law in relation to township business be amended so as to require township trustees to levy a road tax of not less than ten nor more than twenty cents on the one hundred dollars.

Was read and referred to the Committee on Roads.

By Mr. Packard,

A petition from sundry citizens of the State of Indiana praying that our Commissioners at Washington be instructed to co-operate in the adjustment of our national difficulties on the basis of the Crittenden Propositions, or some other equally honorable basis.

Was read and referred to the Committee on Federal Relations.

By Mr. Veatch,

A petition from sundry citizens of Warrick county, on the subject of sheep killing dogs.

Was read and referred to the Committee on Agriculture.

REPORTS FROM STANDING COMMITTEES.

Mr. Jones, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on Temperance, to whom was referred the petition signed by Israel Allman, and from others, citizens of the county of Jay, together with House bills Nos. 38, 74 and 128, have had the same under consideration and have directed me to report the same back to this House, and as to said petition, do recommend that it lie upon the table, and as to the said House bills, Nos. 38, 74 and 128, do recommend that they be severally indefinitely postponed. And in accordance with the first clause of the prayer of said petition, and in lieu of some of the provisions of said bills, your committee have directed

me to report the following bill, herewith submitted, and recommend its passage. Your committee have directed me to express the opinion that any legislation on the subject of temperance, tending to any material change of the present law in any respect, is at this time highly inexpedient. The law of 1859, now in force, having given as general satisfaction to all classes of the people of the State, as would be expected from any law upon a subject on which the people differ as widely, it is thought better to try it still longer. The bill herewith submitted is, therefore, strictly amendatory of the law of 1859, merely perfecting some of the sections of the same, which have been found to be deficient and needing some slight amendment.

All of which is respectfully submitted.

House bill No. 315. A bill to amend the third, fourth, fifth, ninth and eleventh sections of an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for the violation thereof, approved March 5th, 1859.

The report was concurred in, and the bill read a first time and passed to a second reading.

RESOLUTIONS.

On motion by Mr. Prow,

Resolved, That the Committee on the Organization of Courts inquire into the expediency of amending the decedents law so as to allow executors and administrators to sue before justices of the peace, and report by bill or otherwise.

Which was adopted.

On motion by Mr. Henricks,

WHEREAS, The report of the Auditor of State of Nov. 1st, 1860, does not fully account for the amount of swamp lands fund on hand as shown in the reports of Nov. 1st, 1859, belonging to St. Joseph county, as shown in said report of Nov. 1st, 1859, being \$2,298 59, of which the reports of Nov. 1st, 1860, only accounts for \$359 50, said to be the amount on hand for said county on the 1st of April, 1860, leaving 1,939 09 unaccounted for; therefore,

Resolved, That the Auditor of State be requested to report to this House what disposition was made of the said amount of \$1,939 09, and why he reports the amount on hand the 1st of April, 1860, in-

stead of the 1st of Nov. 1859, leaving five months of time unaccounted for, and 1,939 09 equally unaccounted for.

Which was adopted.

On motion by Mr. Edson,

Resolved, That the Judiciary Committee be instructed to inquire whether, under the act to provide for the payment of the public debt and the completion of the Wabash and Erie Canal, the salaries and fees paid to the three trustees, to engineers and clerks, to the Auditor of State or to any other person or officer, cannot be dispensed with or reduced in consideration of the fact that no service is rendered entitling such officers or persons to receive the enormous sums paid them, and whether the sums so paid cannot be appropriated towards the maintenance of said Canal, and that as the keeping of said Canal in navigable order is of public and private interest, whether the citizens along said Canal cannot be authorized to maintain the same without any charge to the State or the accruing of any liability whatever.

On motion by Mr. Gresham,

Resolved, That the Committee on the Organization of Courts be instructed to inquire into the expediency of allowing prosecuting attorneys for the Court of Common Pleas the same compensation that is allowed prosecuting attorneys for the Circuit Courts, and that they report by bill or otherwise.

Which was adopted.

On motion by Mr. Heffren,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

House met.

By unanimous consent,

Mr. Warrum introduced

House bill No. 316. A bill regulating the practice in the Circuit
H. J.—39.

and Common Pleas Courts on appeals from the justice of the peace.
Was read a first time and passed to a second reading.

The hour for the special order of the day having arrived, it being the following resolution :

Resolved, That the doorkeeper of the House be directed to contract with Ariel and W. H. Drapier for 600 copies of their Brevier Reports of the proceedings and debates of the present session of the General Assembly, one copy to be laid on the desk of each member of the House of Representatives, as printed, and the remainder to be bound and distributed, as the Laws and Journals are distributed: *Provided*, The said Reports (except the binding,) shall not cost to exceed one dollar per copy of the full reports of the session,

Messrs. Nebeker and Hurd demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bundy, Cameron, Cason, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Erwin, Fisher, Frasier, Gifford, Grover,
Haworth, Heffren, Henricks, Horton, Howard, Jenkinson, Jones of
Vermillion, McLean, Packard, Parrett, Pitts, Polk, Randall, Roberts,
Sherman, Stevenson, Trier, Veatch, Warrum, Wells, Woodhull, Woods
and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Black, Boydston, Bryan, Campbell,
Collins of Whitley, Crain, Dashiell, Epperson, Fleming, Ford, Fordyce,
Fraley, Goar, Gresham, Hall, Hudson, Hurd, Jones of Tippecanoe,
Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, Moody, Moor-
man, Mutz, Nebeker, Newman, Orr, Prow, Ragan, Robbins, Sloan,
Smith of Bartholomew, Smith of Miami, Thomas, Turner, Under-
wood and Williams—40.

So the resolution did not pass.

The following resolution, which was laid over under the rule, was taken up :

Resolved, That no member of the House be allowed to speak on any subject longer than five minutes.

Mr. Cameron moved to amend as follows :

“Except on questions relating to the Northern Prison.”

Mr. Veatch offered the following amendment :

Amend by adding, "provided that this rule shall not apply to modest members."

Mr. Bundy moved to lay the resolution and amendments on the table.

Which was agreed to.

Mr. Smith, of Bartholomew, moved to take up House bill No. 161, and refer to a select committee.

Which was agreed to.

Mr. Heffren moved to take up bills on third reading.

Which was agreed to.

House bill No. 42. A bill to authorize the Gibson county Circuit Court to hear testimony and make a decree or reference to the erection and sale of county seminary of the said county.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins, of Whitely, Collins, of Adams, Combs, Cooprer, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, For-dyce, Fraley, Frasier, Gifford, Gore, Gresham, Grover, Hall, Harworth, Heffren, Henrieks, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods, and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. Hurd, and Ragan.—2

So the bill passed.

Ordered. That the Clerk inform the Senate.

House bill No. 46. A bill to legalize the acts and proceedings of certain special terms of the Circuit Court.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Davis, Edson, Erwin, Feagler, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Miami, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods, and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Black, Combs, Coopridier, Dobbins, Fleming, Ford, Heffren, Sloan, Smith of Bartholomew and Stevenson—10.

So the bill passed.

Ordered, that the Clerk inform the Senate thereof.

House bill No. 13. A bill making provisions for the refunding of license money illegally collected under an act entitled "an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Bryan, Burgess, Cameron, Cason, Collins of Whitley, Coopridier, Davis, Dobbins, Edson, Fleming, Ford, Fordyce, Fraley, Gifford, Grover, Hall, Haworth, Hayes, Heffren, Howard, Hudson, Jenkinson, Jones of Vermillion, Kitchen, Lee, McLean, Moody, Mutz, Nebeker, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Stevenson, Trier, Thomas, Turner, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Bundy, Campbell, Combs, Crain, Dashiell, Erwin, Feagler, Fisher, Goar, Gresham, Horton, Hurd, Jones of Wayne, Kendrick, Lightner, Moorman, Orr, Packard, Parrett, Ragan, Sloan, Smith of Miami, Underwood and Williams—24.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 52. A bill to authorize justices of the peace to administer any oath required by law.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moorman, Mutz, Nebeker, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Roberts, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—76.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 81. A bill to quiet the title of a piece of ground in Vanderburgh county, known as the east half of out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on the part of the north-west quarter of section twenty-nine of township six south of range ten, west.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson,

Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Paekard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—80.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution of the House, without amendment, to-wit:

House joint resolution No. 31. A joint resolution to provide for the appointment of a commission to investigate and report on the fiscal affairs of the State.

Mr. Smith of Bartholomew, asked and obtained leave to make the following report from a select committee:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 161: A bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public money," have had the same under consideration, and instruct me to report the same back, with the following amendments, and when so amended, to recommend its passage:

Amend by inserting in the proper place after the word showing, "as nearly as practicable."

Also amend by striking out in the proper place, all after the word forthwith to the word shall, inclusive; after which it will read as follows: "Transmit the same under the direction of the Treasurer of State."

Also, amend the last section by adding, after the word damages,

the words "upon the amount of money in his hands, subject to such order.

The report of the committee was concurred in, and the amendment adopted.

Mr. Branham moved to consider the bill No. 161 as engrossed, and that it be read a third time now.

Which was agreed to.

No. 161. A bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of the money of the State.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Frazier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Horton, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods, and Mr. Speaker—78.

Mr. Howard voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

House bill No. 69. A bill to amend an act providing for serving process upon the officers, directors, attorneys, or agents of any railroad company, approved March 4, 1853.

Was read a third time.

Mr. Fisher moved that the bill be recommitted to a select committee of three, with instructions to strike out all that portion in the emergency clause, that requires publication of said bill in the Indiana State Journal, and Sentinel.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Anderson, Black, Branham, Bryan, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coop-
rider, Dashiel, Davis, Dobbins, Erwin, Feagler, Fleming, Ford, Fra-
ley, Frasier, Gifford, Goar, Gresham, Grover, Haworth, Hayes, Hef-
fren, Henricks, Horton, Howard, Hudson, Jenkinson, Jones of Tippe-
canoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee,
Lightner, McLean, Moody, Mutz, Nebeker, Newman, Orr, Packard,
Parrett, Pitts, Polk, Prow, Robbins, Roberts, Sloan, Smith of Bar-
tholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Un-
derwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speak-
er—68.

Those who voted in the negative were,

Messrs. Bingham, Bundy, Epperson, Fisher, Fordyce, Moorman,
Ragan, and Williams—8.

So the bill passed.

Ordered, That the Clerk inform the Senate.

House bill No. 41. A bill to amend the twelfth section of an act
entitled an act to authorize the construction of sewers and drains, ap-
proved June 12, 1852.

Was read a third time.

On motion by Mr. Newman,
The bill was laid on the table.

House bill No. 5. A bill limiting the power of the board of county
commissioners in the assessment and levy of taxes.

Was taken up.

Mr. Frasier moved that the bill be indefinitely postponed.

Mr. Cameron moved the previous question, which was seconded.

The question being, shall the main question be now put?
It was ordered.

Messrs. Davis and Smith demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Boydston, Branham, Bryan, Bundy, Cameron, Campbell, Cason, Coopridger, Crain, Dashiell, Dobbins, Edson, Epperson, Erwin, Fleming, Fordyce, Fraley, Frasier, Gresham, Grover, Haworth, Hayes, Heffren, Henricks, Horton, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Packard, Ragan, Robbins, Sherman, Sloan, Stevenson, Thomas, Turner, Underwood, Williams, Woodhull and Woods—51.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Bingham, Burgess, Collins of Whiteley, Collins of Adams, Combs, Davis, Fisher, Ford, Gifford, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Kitchen, McLean, Mutz, Parrett, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Trier, Veatch, Warrum, Wells, and Mr. Speaker—30.

So the bill was indefinitely postponed.

Mr. Frasier moved reconsider the vote to indefinitely postpone, and lay the motion on the table.

Which was agreed to.

A message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House of Representatives for the signatures of the Speaker and Clerk thereof, the following enrolled joint resolutions of the Senate, to-wit:

Senate joint resolution No. 6. A joint resolution proposing an amendment to article eighth of the Constitution, so as to enable cities, townships and towns to levy taxes for the support of Common Schools; and

Senate joint resolution No. 7. A joint resolution on the present condition of national affairs.

House bill No. 47. A bill to amend the 29th section of an act entitled an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers thereto, approved March 5th, 1851.

Was read a third time.

By unanimous consent,

An enacting clause was inserted in the bill.

The question being, shall the bill pass?

Mr. Collins moved to lay the bill upon the table.
Which was agreed to.

House bill No. 51. A bill to fix the time for holding the Circuit Courts of the Eighth Judicial Circuit, and repealing all laws in conflict therewith.

Was read a third time.

On motion by Mr. Crain,
The bill was laid upon the table.

House bill No. 173. A bill supplemental to an act entitled an act supplemental to an act entitled an act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation, approved March 2d, 1855, so as to provide for the relocation of county seats, and for the erection and preservation of county buildings in counties where two-thirds of the legal voters have petitioned designating a site and a house to be used as a court-house, and when a deed has been executed to provide also for the transfer of any equitable title for the termination of actions growing out of such relocation, and for the transfer of the former county property, approved December 22, 1858, so as to provide for the relocation of county seats in counties where no court-house has been erected, which have been formed out of the territory of another county, and for the transfer of the county offices, books, &c.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Hayes, Henricks, Horton, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Orr, Ragan, Sherman, Sloan, Smith of Miami, Thomas, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Atkinson, Black, Combs, Coopriders, Dobbins, Edson, Fleming, Ford, Gifford, Heffren, Howard, Jenkinson, Jones of Wayne, Mutz, Newman, Packard, Parrett, Pitts, Prow, Randall, Robbins, Roberts, Smith of Bartholomew, Stevenson, Trier and Warrum—26.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Nouse bill No. 76. A bill to amend section one of an act entitled an act authorizing county recorders and county surveyors to issue fee bills, approved March 5th, 1855.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henrieks, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods, and Mr. Speaker—78.

Mr. Ferguson voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills, have examined enrolled joint

resolution of the House, No. 31, and compared it with the original, find it correctly enrolled.

No. 176. A bill to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep, by dogs.

Mr. Polk moved to recommit the bill, with instructions that it be amended by striking out "fifty cents," when it occurs, and insert "ten cents."

Mr. Bundy offered the following instruction:

"Provided, that each head of a family may keep one dog which shall be exempted from license."

Mr. Frasier moved to lay the motion to recommit, and the amendments, on the table.

Messrs. Jenkinson and Polk demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Bryan, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Erwin, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Hefren, Henricks, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lee, Lightner, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Parrett, Pitts, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Turner, Underwood, Veatch, Williams, Woodhull, and Mr. Speaker.—52.

Those who voted in the negative were,

Messrs. Atkinson, Bingham, Bundy, Combs, Coopridger, Dobbins, Epperson, Feagler, Ferguson, Fleming, Ford, Gifford, Haworth, Hayes, Jenkinson, Jones of Vermillion, Kitchen, Orr, Polk, Prow, Ragan, Robbins, Roberts, Trier, Warrum, Wells, Woods—27.

So the motion to recommit, was laid on the table.

Mr. Parrett moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall House bill No. 176 pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Cameron, Campbell, Cason, Collins of Whitley, Dashiell, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gresham, Grover, Hall, Heffren, Henricks, Horton, Hudson, Hurd, Jenkinson, Jones of Wayne, Lee, Lightner, McLean, Moorman, Newman, Orr, Parrett, Polk, Randall, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Turner, Underwood, Veatch, Warrum and Woodhull—43.

Those who voted in the negative were,

Messrs. Atkinson, Bingham, Black, Bryan, Bundy, Combs, Coop-
rider, Dobbins, Epperson, Feagler, Fleming, Ford, Gifford, Goar,
Haworth, Hayes, Howard, Jones of Vermillion, Kitchen, Moody,
Mutz, Nebeker, Pitts, Prow, Ragan, Sherman, Wells, Williams,
Woods and Mr. Speaker—31.

So the bill failed for want of a constitutional majority.

On motion by Mr. Heffren,
The House adjourned until to-morrow morning 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
February 26, 1861. }

The House met.

On motion by Mr. Gifford,
The reading of the Journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Davis,

A petition in reference to national affairs.
Which was referred to the select Committee on Federal Relations.

By Mr. Hayes,

A petition from sundry citizens of the State, asking that our Commissioners at Washington be instructed to co-operate in the adjustment of our national difficulties on the basis of the Crittenden propositions, or other honorable basis.

Read and referred to the Committee of thirteen on Federal Relations.

By Mr. Branham,

A petition for the relief John W. Dodd.

Which was referred to the Committee on Claims.

By Mr. Stotsenburg,

A petition from sundry citizens of the State, asking that our Commissioners at Washington be instructed to co-operate in the adjustment of our national difficulties on the basis of the Crittenden propositions, or other honorable basis

Was read and referred to the Committee of thirteen on Federal Relations.

By Mr. Bundy,

A memorial of A. Greenman and S. F. Stout, asking further protection for religious meetings from disturbance.

Read and referred to the Committee on Rights and Privileges.

By Mr. Brett,

Two petitions from sundry citizens in relation to national affairs.
Which was referred to the select Committee of thirteen on Federal relations.

By Mr. Branham,

A claim from N. F. Cunningham.

Which,

On motion,

Was referred to the Committee on Claims.

REPORTS FROM STANDING COMMITTEES.

Mr. Heffren, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 208, introduced by Mr. Knowlton, entitled "a bill to amend section twensy-six of an act entitled 'an act to provide for the incorporation of railroad companies,' approved May 11, 1852." have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Bundy, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 237: "a bill to authorize the Auditor of State to pay over all funds arising from estates without heirs to the Commissioners of Sinking Fund," have had the same under consideration, and have instructed me to report the bill back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Gresham, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 207, introduced by Mr. Grover, entitled "A bill to amend section 156 of an act entitled 'an act to revise, simplify, etc., the rules, practice, etc., in civil cases in the Courts of this State,' etc., approved June 18, 1852," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Bundy, from the Committee on Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 203, introduced by Mr. Hurd, entitled "A bill to provide for the registration of births, marriages, and deaths, and for the appointment of a registrar, defining and prescribing his duties and the duties of other officers and persons in relation thereto, providing for the publication of such registration and for the compensation of officers performing the

duties prescribed; also providing penalties for the violation of the law," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Jenkinson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 268, introduced by Mr. Smith, entitled "a bill providing for service of summons in actions against sheriffs and their sureties on their official bonds," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said committee further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Gresham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 5, A bill to amend section two hundred and thirty-eight of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended they recommend its passage:

Amend by striking out the title and insert the following:

An act to amend the first section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide that county auditors and treasurers shall be competent witnesses in suits now pending, or

hereafter to be commenced, in relation to the surplus revenue, the school and trust funds, approved February 27, 1857.

Also, amend by striking out all the first section down to the proviso, and insert the following :

Be it enacted by the General Assembly of the State of Indiana, that section one of the act aforesaid, which reads as follows :

“Be it enacted by the General Assembly of the State of Indiana, That the two hundred and thirty-eighth section of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,” approved June 18, 1852, which reads as follows :

SEC. 238. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any judicial proceeding, by reason of incapacity from crime or interest ; but this section shall not render competent a party to an action, or the person for whose use it is so brought, or the husband or wife of any such party ; be amended as follows :

SEC. 238. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any judicial proceeding, by reason of incapacity from crime or interest ; but this section shall not render competent a party to an action, or the person for whose use it is brought, or the husband or wife of any such party, except that in suits now pending, or hereafter to be commenced, in relation to the surplus revenue, and the school and trust funds, the county auditor and county treasurer shall be competent witnesses, whether they are parties to such suits by virtue of their offices,” be so amended as to read as follows :

That the two hundred and thirty-eighth section of an act entitled “an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, which reads as follows :

SEC. 238. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any judicial proceeding, by reason of incapacity from crime or interest ; but this section shall not render competent a party to an action, or the per-

son for whose use it is so brought, or the husband or wife of any such party ; be amended to read as follows :

SEC. 238. No person offered as a witness shall be excluded from giving evidence, either in person or by deposition, in any judicial proceeding, by reason of incapacity from crime or interest ; but this section shall not render competent a party to an action, or the person for whose use it is brought, or the husband or wife of any such party, except that in all suits now pending, or hereafter to be commenced, in relation to the surplus revenue, and other school or trust funds, the county auditor and county treasurer shall be competent witnesses, whether they are parties to such suits by virtue of their offices. *Provided*, That in any suit brought by an assignee of any cause of action, and the assignor is examined as a witness on behalf of the assignee, the defendant may offer himself as a witness in his own behalf, as to all matters testified to by such assignor, and shall be admitted as such ; and in case where an assignee pleads in defence any cause of action which may have been assigned to him, and examines the assignor as a witness in his behalf, the plaintiff may offer himself and shall be admitted as a witness in his own behalf, as to all matters testified to by such assignor.

The report was concurred in and the amendments adopted.

The amendments were ordered to be engrossed.

Mr. Edson, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 206, introduced by Mr. Roberts, entitled "an act supplemental to article 9 of an act entitled an act to revise, simplify, and abridge the rules, practice, etc., in civil cases in the courts of this State, etc., approved June 18, 1852, and to provide for the hearing of motions in attachments, in certain cases, and to provide for the compensation of judges hearing the same, and prescribing the duties of clerks and sheriffs herein," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Woodhull, from the Committee on the Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 227, introduced by Mr. Veatch, entitled "an act to revise, simplify, and abridge the rules and practice, etc., in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice, etc.," approved June 18, 1852, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Heffren, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. , introduced by Mr. , entitled "an act to amend section 238 of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, etc., approved June 18, 1852, so as to admit parties in civil action to testify on their own behalf, with certain qualifications," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

Which was concurred in, and the bill indefinitely postponed.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 214, introduced by Mr. Hurd, entitled "a bill regulating marriages, prescribing who may issue license to marry, and the form thereof, to whom license may issue, and the mode of recording the same, also prescribing the legal effect of such license, and providing compensation therefor, and penalties for the violation of the law," have had the same under consideration, and instruct me to report back to this House, that in the opinion of this Committee, further legislation upon the subject is inexpedient, and the bill be laid upon the table.

Mr. Heffren, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 20, introduced by Mr. Roberts, entitled "a bill to amend section 238 of an act entitled an act to revise, simplify, etc., the rules, practice, etc., in civil cases in the courts of this State, etc.," approved June 18, 1852, have had the same under consideration, and instruct me to report to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Cason, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 53, introduced by Mr. Gresham, entitled "a bill to amend the 6th section of an act entitled an act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, have had the same under consideration, and instruct me to report back to this House, that, inasmuch as the said Committee has already reported on a bill referring to the same subject, and covering the same grounds, any further legislation upon the subject is unnecessary, and that the said bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 210, introduced by Mr. Campbell, entitled "an act to abolish the death penalty and providing for imprisonment for life in all cases where, under the existing laws, death may be inflicted, as the punishment for any crime," have had the same under consideration and instruct me to report back to this House that in the opinion of the said committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Bingham, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred the resolution instructing them to inquire into the subject of taxing banks upon their capital stock, would beg leave to report the same back with the following bill and recommend its passage :

No. 317. A bill regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana and the stock banks of the State of Indiana.

Was read a first time and passed to a second reading.

Mr. Gresham, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 291, introduced by Mr. Bryan, entitled "a bill supplemental to and to amend the first section of an act entitled 'an act to enable trustees to receive lands and donations and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship or other buildings therein mentioned,'" approved June 17, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and bill ordered to be engrossed.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 236, introduced by Mr. Jones, entitled "an act authorizing Judges of Circuit and Common Pleas Courts to hear and determine demurrers, motions and applications for the production of books and papers and the appointment of receivers in vacation," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 280, introduced by Mr. Edson, entitled "a bill to repeal an act, entitled 'an act providing for the voluntary assignment of personal and real property in trust for the benefit of creditors, and regulating the mode of administering the same,' approved March 5, 1859," have had the same under consideration and instruct me to report the same back to this House and recommend its indefinite postponement.

Which was concurred in and the bill indefinitely postponed.

Mr. Gresham, from the Committee on Military Affairs, made the following report:

MR. SPEAKER:

The Committee on Military Affairs, to whom was referred House bill No. 105, have had the same under consideration, and a majority of said committee have instructed me to report the same back to the House with the following amendment, and, when so amended, recommend its passage:

Amend by striking out all after the enacting clause and insert the following:

ARTICLE FIRST.

SEC. 1. That the Indiana Militia shall be divided into two classes, viz:

First Class—The Active Militia.

Second Class—The Exempt Militia.

SEC. 2. The active or volunteer militia shall be styled "The Indiana State Troops" and shall be composed of such citizens or residents of the State over the age of eighteen and under the age of forty-five as may be elected to membership by the different companies in the State troops and shall sign the following obligation:

SEC. 3. I, A. B., having volunteered to serve in the Indiana State troops for two years, do solemnly affirm and agree that I will faithfully support the laws of the State of Indiana, the United States, and of the particular corps to which I belong, and that I will promptly and faithfully execute all the legal orders of my superior officers, and will abide by the general regulations of the State troops.

ARTICLE SECOND.

SEC. 1. Composition of the Indiana State troops company shall be composed of not less than forty nor more than one hundred men, and shall be officered as follows: One Clerk, four Corporals, four Sergeants, one of whom shall perform the duties of Sub-Quarter Master Sergeant, one Orderly, three Lieutenants and one Captain.

SEC. 2.—*Regiment Peace Organization*.—Ten companies shall constitute a regiment, which shall be officered as follows:

Non-commissioned Staff.—One Drum Major, one Bugle Major, two Standard Bearers, one Quarter Master Sergeant, and one Sergeant Major—all with the rank of Sergeant.

SEC. 3. *Commissioned Staff*.—One Assistant Surgeon, rank as First Lieutenant, one Surgeon, rank as Captain, one Paymaster, rank as Captain, one Quartermaster, rank as Captain, one Officer of Engineers, rank as Captain, one Adjutant, rank as Captain.

SEC. 3. *Field Officers*.—Two Majors, one Lieutenant-Colonel, and one Colonel.

SEC. 4. *Brigade*.—Two Regiments shall constitute a Brigade, and be officered as follows: one Surgeon, rank as Major, one Paymaster, rank as Major, one Quartermaster, rank as Major, one Officer of Engineers, rank as Major, one Inspector, rank as Major, one General of Brigade, rank as Brigadier-General.

SEC. 5. *Divisions*.—Two Brigades shall constitute a Division, and shall be officered as follows: two Aid-de-Camps, rank as Captain, one Surgeon, rank as Lieutenant-Colonel, one Quartermaster, rank as Lieutenant-Colonel, one Officer of Engineers, rank as Lieutenant-Colonel, one Inspector, rank as Lieutenant-Colonel, one General of Division, rank as Major-General.

SEC. 6. *Army Corps*.—Three divisions shall constitute one army corps, and shall be officered as follows: two Aid-de-Camps, rank as Majors, one Surgeon General, rank as Colonel of Artillery, one Quartermaster-General, rank as Colonel of Artillery, one Engineer-in-Chief, rank as Colonel of Artillery, one Adjutant-General, rank as Colonel of Artillery, one Inspector-General, rank as Major-General.

SEC. 7. One army corps thus composed, and officered, with the addition of twelve engineers, and one sergeant, and one band of not more than twenty members to each regiment, shall in time of peace be the complete organization of the State troops, of which the Governor shall be commander-in-chief. The organization shall be Light Infantry, Light Artillery and Cavalry. No Independent military

organization formed outside of this organization shall be entitled to the benefits accruing from this act.

ARTICLE THIRD.

SEC. 1. All commissions in the State troops shall be held six years.

SEC. 2. Company officers shall be elected by the members of their companies.

SEC. 3. *Regimental Officers.*—By the commissioned and non-commissioned officers composing the regiment.

SEC. 4. *Brigadier Generals.*—By the commissioned officers of their brigade.

SEC. 5. *Major Generals.*—By the commissioned and non-commissioned officers of their divisions.

ARTICLE FOURTH.—OF APPOINTMENTS.

SEC. 1. *Non-Commissioned.*—All non-commissioned officers of companies shall be appointed by the commandants of companies.

SEC. 2. *Of Regiments.*—All non-commissioned officers by the commandants of regiments.

ARTICLE FIFTH.—STAFF DEPARTMENTS.

SEC. 1. Regimental, Brigade and Division commandants shall appoint their respective staff officers.

SEC. 2. The Governor shall appoint the chiefs of the staff department whenever a commission expires or a vacancy occurs. *Provided*, No chief of departments shall be appointed except upon recommendation of a majority of the commissioned officers in good standing of the State troops.

SEC. 3. *Further Provided*, That until these provisions can be complied with, the position of Division and Brigade Inspector, in the Inspector General's department, may be temporarily filled by such persons as the Inspector General may designate, who shall act by authority of warrants issued by the Commander-in-Chief.

ARTICLE SIXTH.—DUTIES OF OFFICERS.

SEC. 1. Shall be the same as prescribed for officers of like grades in the United States army, as far as applicable to this organization, and in the general regulations of the State troops.

SEC. 2. *Quartermaster General's Department.*—The Quartermaster General and subordinates of his department shall, in addition to his regular duties, perform those of the Commissariat.

SEC. 3. The Quartermaster General shall be held responsible for the correctness of the bonds for State arms, which must be signed by at least one responsible party for each \$500 represented in the bond.

SEC. 4. The Quartermaster General shall issue no arms without an order from the Commander-in-Chief, and under the direction of the Inspector General, shall provide camp equipage for the troops in actual service in time of war, at the expense of the State, which shall be State property.

SEC. 5. The Quartermaster General shall have authority to pay for the transportation of all arms and public stores received and issued to the troops, and received into the State Arsenals from other parts of the State, and his accounts for the amounts of such transportation and expenses when approved by the Governor shall be paid on warrant of the Auditor, provided he shall show bills for all amounts claimed to have been so paid by him.

SEC. 6. The Adjutant and Quartermaster General will receive pay at the rate of three dollars per day for each day's service actually performed for the State troops, in accordance with the orders of the Governor, which service shall be paid for on an order from the Governor, which shall be accompanied by the bill for such service, with detailed items and certified to on oath.

SEC. 7. *Inspector General's Department.*—The Governor shall only appoint to the positions of Inspector General a person having a military education or military experience, and qualified to discharge the duties of instructor of the State troops.

SEC. 8. The Inspector General shall be charged with the organization and instruction of the State troops, and the enforcement and execution of the provisions of this act. He shall exercise, under the Governor, the active control and command of the State troops, and shall rank as Major-General.

SEC. 9. The Inspector General shall prepare, within six months from the passage of this act, a system of general regulations for the government of the State troops in accordance with the provisions of

this act, which regulations, when approved by the Governor, shall be binding on the State troops and militia.

SEC. 10. The Inspector General shall prepare a system of practices for light troops, including instructions in the school of the soldier company and battalion and skirmish bayonet and gymnastic, differing from the best recognized authorities only in its adaptation to a system of self instruction suitable for the militia. These books, together with such blanks, forms and instructions as may be necessary, shall be published at the expense of the State and issued to the officers of the State troops as soon as practicable. The Inspector General shall be charged with the inspection of arsenals, armories, arms and accoutrements, the examination of regimental books, vouchers on accounts, and the money affairs of each regiment. He shall order elections, accept resignations, and shall report when required to the Governor. He shall personally superintend and command all camps of instructions of the State troops. He shall have authority to disband or consolidate companies or regiments who do not conform to the State regulations: *Provided*, That such company or regiment may afterwards appeal to a regimental or brigade court martial. Then such company or regiment shall be considered as discharged, and shall no longer belong to the active militia of the State. When the good of the service requires it he may delegate any portion of his authority to his assistants or subordinate commanders to aid in the discharge of the duties imposed upon him by this act.

SEC. —. The Brigade and Division Inspectors will be considered in his department and act under his orders.

SEC. —. When the Inspector General shall actually occupy an office in this State, he shall be allowed a reasonable sum for office furniture, rent, fuel, lights, stationery and postage.

SEC. —. For such extraordinary expenditures as he may incur in the performance of the requirements of this act he shall present a detailed account to the Auditor, accompanied by his oath that such statement is correct, and when approved by the Governor, such bills shall be paid in the same manner as other claims.

SEC. —. He shall be allowed three cents for each mile traveled in the discharge of his duty, and at the rate of three dollars a day for each day actually spent in the discharge of his duty, which shall be paid in the same manner as prescribed for the Adjutant and Quartermaster General.

SEC. —. The Inspector General shall make a yearly report to the Governor setting forth the number and actual condition of the State troops, the number and style of arms, the progress of the instruction of the State troops, and such other matters as may be of interest

connected with the departments of the Adjutant and Quartermaster General.

This report shall be published and one copy furnished to each officer of the State troops.

ARTICLE SEVENTH.—SERVICE REQUIRED OF STATE TROOPS.

SEC. 1. The State troops will be at the disposal of the civil authorities for the preservation of the peace and enforcement of the laws, and at the disposal of the State authorities for whatever purposes they may be legally required.

SEC. —. The days of Regimental Brigade and Division Field days and encampment may be varied by a vote of the commanding officers.

SEC. —. The place for rendezvous for field days and encampments will ordinarily be at the head quarters of a corps, but may be located elsewhere for the occasion, to suit the convenience of the majority concerned, by vote of the commissioned officers.

SEC. —. The Inspector General will cause the field days and encampments in the different divisions to be arranged to succeed each other at such intervals as will admit of his being present at each and all of them.

SEC. —. In addition to this service each company will be required to drill at least once per month, and will drill as battalions at least once preceding each regimental and brigade field day.

ARTICLE EIGHTH.—OF TROOPS CALLED OUT BY CIVIL AUTHORITIES.

SEC. —. Whenever there shall be, in any city, town or county, any tumult, riot or mob, or any body of men acting together by force, with intent to commit any felony or misdemeanor, or to offer violence to persons or property, or by force and violence to break and resist the laws of the State, or any such tumult, riot or mob shall be threatened, and the fact be made to appear to the Commander-in-Chief or to the Mayor of any such city, or to any court of record sitting in said city or county, or to any Judge thereof, or to any Judge of the Supreme Court, or to the Sheriff of said county, the commander-in-chief may issue his order, or such Mayor, Court, Judge or Sheriff may, in writing, direct the senior or other military officer convenient to the scene of disturbance to turn out such portion of his or their command as may be necessary to quell, suppress, or prevent such tumult or threatened tumult, and any officer or mem-

ber of the military who shall fail promptly to obey such orders and directions of said civil officers, shall be subjected to such fines as a court martial shall inflict, and if an officer, shall be cashiered.

SEC. 2. Whenever it becomes necessary, in order to sustain the supremacy of the laws, that the troops should fire upon a mob, the civil officer calling out such troops, (in the exercise of a sound discretion,) shall give the order to fire to the superior officers present, whenever it can be done, who will at once proceed to carry out the order, and shall direct the firing to cease when ordered to do so by the proper civil authorities.

SEC. 3. No officer who has been called out to sustain the civil authorities shall, under any pretence or in compliance with any order, fire blank cartridges on a mob, under penalty of being cashiered by a sentence of a court martial.

OF TROOPS IN THE STATE'S SERVICE.

SEC. —. Whenever any portion of the active militia shall be ordered to assemble for purposes of military instruction under the authority of the Commander-in-Chief, or whenever any part of the State forces shall be ordered to assemble under his authority in time of war, invasion, insurrection or public danger, the rules and articles of war, and the general regulations for the government of the United States, so far as they are applicable, and with such modifications as the Commander-in-Chief may prescribe, shall be considered in force and regarded as part of this act, during the continuance of such instruction and to the close of such state of war, invasion, insurrection or public danger, but no punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted, except in time of actual war, invasion, or insurrection, declared by proclamation of the Governor to exist.

Whenever any portion of the militia shall be called into service of the State by the Commander-in-Chief, in time of war, invasion, insurrection or public danger, they shall be entitled to pay at the same rates in every respect as the corresponding grades may at the time be entitled to in the United States army, to be paid out of the State Treasury.

In the event of any company or regiment of the State troops being called into service for such length of time as will render such procedure expedient and necessary, the Inspector General shall cause to be organized in the district vacated, the same number of troops as were mustered into service.

ARTICLE EIGHTH—PRIVILEGES AND EXEMPTIONS OF STATE TROOPS.

All members who are actually uniformed, equipped and doing duty,

shall be exempt from jury and fire duty, road and poll tax. The certificate of the Captain of each company shall be sufficient evidence of right to such exemption. *Provided*, No Captain shall issue such certificate except to persons legally entitled to it under penalty, on conviction, of not less than fifty nor more than five hundred dollars.

SEC. —. Any person having performed six years good and faithful service in the State troops shall be entitled to honorable discharge and certificate to that effect, which he shall receive from the Adjutant General. He shall thereafter be classed in the exempt militia, and continue to enjoy such exemptions during his residence in this State.

ARTICLE NINTH.—OF UNIFORMS.

SEC. —. There shall be two uniforms for officers and men: one especially adapted to service, called the campaign uniform, the other called the barrack uniform, to be worn when not in the field, on duty and on dress occasions. Both of these uniforms shall be made in accordance with the designs prepared and placed on file at the Adjutant General's office, no departure from which shall be permitted under any pretense. The troops shall not be compelled to get the barrack uniform, but where any dress uniform is worn it must be of that pattern.

ARMS.

SEC. —. The State troops shall be armed as follows:

Artillery.—New regulation light artillery sabres and revolvers shall be provided as soon as practicable, with rifled cannon.

The Engineer Corps shall be armed with Colt's revolving carbine and sabre bayonet. The riflemen shall be armed with the bronzed long range Minnie rifle, with breech-loading and priming attachment, and light sabre bayonet. *Provided*, That until said rifles can be procured, such arms may be used as may be provided by the Quartermaster General.

Equipments shall be prescribed of the pattern prescribed in the general regulations. Each regiment shall be provided with a howitzer (frame carriage) for the use of the engineer corps. There shall be a depot at the headquarters of each division for the storage of the surplus arms of the State.

OF THE DRILL.

A uniform system of drill shall be pursued under the direction of

the Inspector General. The artillery will drill according to the United States army regulation drill for light artillery. The Rifles shall drill according to the system to be prescribed by the Inspector General, in accordance with this act.

ARTICLE TENTH.—POWERS OF OFFICERS OF ENCAMPMENTS.

Every commanding officer of a military encampment, or of a military parade, drill, or review, is hereby authorized to ascertain and fix necessary bounds and limits to his parade and drill grounds, (not including any road on which people travel, so as to prevent their passing,) within which no spectator shall have a right to enter without leave from such commanding officer, and in case any person shall intrude within such limits, after being once forbidden, he may be confined under guard during continuance of said drill, review, or encampment, or for a shorter time, at the discretion of the commanding officer, and any person who so offends, or who shall resist any sentry or member of the guard who attempts to put him out of such limits, or to keep him out of the same, may be arrested by order of such commanding officer, using such force as may be necessary for that purpose, and carried before some court or magistrate, or justice of the peace, to be examined or tried for such assault or disturbance and breach of the peace, upon complaint thereof, and it shall be the duty of such civil officer to deal with such offender as in cases of breaches of the peace.

ARTICLE ELEVENTH.—OF COURTS MARTIAL.

SEC. 1. Commandants of companies, regiments, brigades and divisions, shall have the power to order and convene courts martial and courts of inquiry, for the trial of any of their respective officers, for any offence within their jurisdiction. The proceedings of all courts shall be governed by the general regulations. The commandant next in rank above the one, or during a court, will appoint a judge advocate for the occasion, any officer may be tried and reduced, cashiered, expelled, or fined, as provided in the general regulations, for the following offences, viz: disobedience of orders, neglect of duty, carelessness, incompetency, inability to perform duty to the satisfaction of his commander, from any cause, drunkenness, loss of business character, embezzlement, misapplication of funds, &c., or any conduct tending to the prejudice of the organization.

SEC. 2. Any officer or member of the State troops, who shall embezzle or misapply public money, or military funds, or public arms, or other property entrusted to his care, shall be deemed guilty of larceny, and punished by imprisonment in the State Penitentiary, for not less than one nor more than five years.

MISCELLANEOUS PROVISIONS.

SEC. —. Any officer of any portion of the staff, or any separate commander, shall have authority to administer oaths to military persons when such may be necessary as under this act, and the same penalties shall attach to false swearing in such cases as are provided by law in cases of perjury.

SEC. —. A citizen holding a commission in the United States army is not thereby disqualified from holding office in the militia of this State.

SEC. —. Every regiment on its organization may adopt a distinctive name, but its companies shall be known by a particular letter in the regiment to which it belongs.

SEC. —. No person shall be a member of two companies at the same time, and any officer who removes beyond the limits of his company or other command shall be considered as having resigned, and every member of a company who removes beyond the limits of the county shall be drafted into the company in whose limits he locates.

SEC. —. In cases of military taxes and fines assessed and charged against a minor in the active militia, the parent or guardian of such minor shall be held to pay the same.

SEC. —. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

SEC. —. Should there be no commissioned officer present with a company, the battalion or other commander shall have authority to assign an officer to command until some officer is elected to the place.

SEC. —. Every senior in his appropriate command shall have authority to control the actions of his junior in accordance with the principle of military subordination under the laws and usages that govern the United States army.

SEC. —. In all cases not herein otherwise directed the duties both of the staff and of commanders, and other officers and members of the active militia, shall be made to conform as nearly as possible to the duties of corresponding positions in the United States service.

SEC. —. When bodies of troops meet on duty the officer highest in rank in the line of command shall command the whole.

SEC. —. No liquor shall be allowed in any armory or within the limits of any drill, review, parade or camp grounds (except a sufficient quantity for medical purposes, in the charge of the Surgeon,) under a penalty of forfeiture of commission of all officers concerned, and a fine of not less than five dollars nor more than fifty dollars for each member of the State troops concerned.

Such persons as desire to be elected officers of the State troops may be authorized by the Governor to take the necessary measures to organize companies, regiments, brigades and divisions with a view to election as officers therein.

SEC. 13. In case of vacancies the rules of the army applicable to such emergencies shall be observed until regular election is held.

SEC. —. All elections for officers shall be by ballot—a majority being necessary to an election.

SEC. —. No officer can receive his commission or assume his position until he has received and taken the prescribed obligation.

HONORARY MEMBERS.

SEC. —. Persons feeling an interest in the advancement of the purposes of this organization, and desirous of contributing to its support, may be elected honorary members by paying into the treasury the sum of ten dollars annually. They may become life members, subject to no future assessment by paying fifty dollars.—Honorary members and life members shall receive a suitable certificate of election, signed by the Colonel and Adjutant.

SEC. —. The funds received from honorary members shall be devoted to the establishment of a reading room, the purchase of books, and payment of expenses of rent, fuel, &c.

ARTICLE THIRTEENTH.—OF THE EXEMPT MILITIA.

SEC. —. The Exempt Militia shall consist of all white able-bodied male persons resident of the State less than eighteen years of age and more than forty-five, and of all other persons exempt by law from enrollment, and of all who have served a term in the State troops.

SEC. —. All acts heretofore passed for the organization and regulation of the militia of the State are hereby repealed.

SEC. —. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage and publication in the Indiana State Journal and State Sentinel.

On motion by Mr. Gresham,

The bill and amendments were laid on the table and three hundred copies ordered to be printed for the use of the House.

SPECIAL ORDER.

The hour having arrived for the consideration of House bill No. 17, a bill regulating the public printing of the State of Indiana, providing for letting the same to the lowest bidder, and also for the purchasing of all paper and stationery from the lowest bidder, providing for the publication of the same, and journals, &c., of the General Assembly,

Mr. Frasier moved to indefinitely postpone the bill.

Mr. Cameron moved the previous question.

Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiel, Epperson, Erwin, Feagler, Fisher, Fordyce, Frasier, Goar, Grover, Hull, Haworth, Henriks, Hopkins, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moorman, Nebeker, Newman, Ragan, Randall, Sherman, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Woodhull, Woods and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Bundy, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Gresham, Hayes, Heffren, Horton, Howard, Jenkinson, Jones of Tippecanoe, Kitchen, McClurg, McLean, Moss, Mutz, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, and Warrum—42.

So the previous question was seconded.

The question being, shall the main question be now put?
It was agreed to.

H. J.—41.

The question being, the motion to indefinitely postpone said bill.

Messrs. Heffren and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Bryan, Burgess, Cameron, Campbell, Cason, Collins, of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gore, Grover, Hall, Haworth, Henricks, Hopkins, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Nebeker, Newman, Orr, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Wells, Williams, Woodhull, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins, of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Gresham, Hayes,
Heffren, Horton, Howard, Jenkinson, Kitchen, McClurg, McLean,
Moss, Mutz, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow,
Robbins, Roberts, Stevenson, Stotsenburg, Trier, Warrum, and
Woods—37.

So House bill No. 17 was indefinitely postponed.

Joint resolution No. 30. A joint resolution on vacating the office
of State printer, and providing for the public printing.

Was taken up.

Mr. Cameron moved to lay the bill on the table.

Messrs. Heffren and Edson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Burgess, Cam-
eron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson,
Erwin, Feagler, Ferguson, Fisher, Fordyce, Frasier, Gifford, Goar,
Gresham, Grover, Haworth, Henricks, Hopkins, Hurd, Jones of Tip-
pecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee,
Lightner, McClurg, Moody, Nebeker, Newman, Prosser, Ragan, Ran-
dall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner,
Underwood, Veatch, Wells, Woodhull, Woods, and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Bundy, Collins of Adams, Combs,
Cooprider, Davis, Dobbins, Edson, Fleming, Ford, Hayes, Heffren,

Horton, Howard, Jenkinson, Kitchen, McLean, Moorman, Moss, Mutz, Owens, Packard, Paret, Pitts, Polk, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum--35.

So the resolution was laid on the table.

Mr. Heffren obtained leave and presented a claim from H. C. Carter for sundry articles furnished and labor performed in raising flag to the dome of the Capitol—\$21.

Which was referred to the Committee on Claims.

Mr. Nebeker moved to suspend the order of business and take up Senate messages.

Mr. Cason moved to lay the motion to suspend on the table.
Which was agreed to.

Mr. Gresham moved to suspend the order of business and take up bills on third reading.

Which was not agreed to.

Mr. Cameron moved to take up House bill No. 285 and refer the same to the joint select committee on apportionment.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

No. 303. A bill providing for the taking of the sense of the people upon the Crittenden and Border States' propositions.

Was read a third time.

Mr. Jones, of Tippecanoe, offered the following:

Amend by striking out the first Monday in April and inserting the second Tuesday in October of the year 1861.

Mr. Underwood offered the following:

Amend so as to set out at length the Crittenden and Border State propositions.

Amend by striking out all that relates to publication in the Journal and Sentinel.

On motion,

The bill and amendments were referred to the Committee on the Judiciary.

No. 303. A bill to amend section seven of an act entitled "an act providing for the election of clerks of the Circuit Court, and prescribing some of their duties," approved June 7, 1852, and supplemental thereto, prescribing the management and disposition of certain funds therein named, and the duties of the county auditors and treasurers therewith, and fixing the penalties for the violation of this act, and repealing all laws conflicting with this act.

Was read a second time and referred to the Committee on the Judiciary.

No. 305. A bill to provide for the salary of the Attorney General, and repealing all laws in conflict with this act.

Was read a second time.

Mr. Fisher offered the following :

Amend as follows: Strike out all that relates to publication in the Journal and Sentinel.

On motion,

The bill and amendment were referred to the Committee on the Judiciary.

No. 305. A bill providing for the payment of the Indiana Peace Commissioners, and prescribing the mode and manner of payment and the amount to be paid said Commissioners.

Was read a second time and referred to the Committee on Claims.

No. 306. A bill to amend sections one and ten, also to repeal sections three, four, five, six, seven and eight of an act entitled "an act to regulate and license the sale of spirituous, vinous and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Was read a second time and referred to the Committee on Temperance.

No. 307. A bill to provide for the appointment of proper persons as supervisors of roads ordered to be laid out and opened by the Board of Commissioners, where such road extends into more than one township.

Was read a second time and referred to the Committee on County and Township Business.

No. 308. A bill providing the mode and manner of appraising real estate to be mortgaged to the school funds.

Was read a second time and referred to the Committee on the Judiciary.

No. 309. A bill concerning partition fences, and prescribing who may join fences.

Was read a second time and referred to the Committee on Judiciary.

No. 310. A bill to provide for the government and discipline of the State Prisons, and to repeal an act entitled "an act to provide for the government and discipline of the State Prison," approved February 5, 1857; also so much of "an act to provide for the erection of a new prison north of the National Road, election of officers thereof, making appropriations, and for the regulation of the same," approved March 5, 1859, as may come in conflict with this act.

Was read a second time, and,

On motion,

Was laid upon the table.

No. 311. A bill to empower the Directors of the Bank of the State of Indiana to close up the Branch at Plymouth, and to re-locate a branch in lieu thereof at some other point.

Was read a second time, and,

On motion,

Referred to the Committee on Banks.

No. 313. A bill to provide for the mode and manner of electing United States Senators.

Was read a second time, and

On motion,

Referred to the Committee on the Judiciary.

No. 312. A bill to amend section nineteen of an act entitled "an act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1859.

Was read a second time and referred to the Committee on County and Township Business.

No. 314. A bill authorizing persons owning lands along private roads to maintain gates thereon, and providing for a removal of the same.

Was read the second time, and

On motion,

Was referred to the Committee on Judiciary.

No. 315. A bill to amend the third, fourth, fifth, ninth and elev-

enth sections of an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.

Was read a second time.

Mr. Heffren offered the following amendment:

Amend by striking out of section five "prescribed by a physician."

Mr. Parrett moved to lay the amendment on the table.
Which was agreed to.

Mr. Underwood offered the following amendment:

Amend so as to strike out all that part of the bill requiring proof of good moral character.

On motion by Mr. Parret,
The amendment was laid on the table.

Mr. Haworth moved to amend so as to require a majority of the legal voters of each township to petition before said Board shall grant license.

On motion by Mr. Heffren,
The amendment was laid on the table.

Mr. Anderson moved to strike out "twelve" where it occurs, and insert "a majority of the householders."

On motion by Mr. Frasier,
The amendment was laid on the table.

Mr. Gifford offered the following amendment:

Amend section five after the word county, strike out "fifty" and insert "twenty-five."

Mr. Cameron moved to lay the amendment on the table.

Messrs. Gifford and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coop-
rider, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson,
Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Haworth, Hen-
ricks, Hopkins, Howard, Hurd, Jones of Tippecanoe, Jones of Ver-
million, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody,
Moorman, Nebeker, Newman, Orr, Parrett, Polk, Prow, Ragan, Ran-
dall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Ste-
venson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch,
Warrum, Wells, Williams, Woodhull, Woods, and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Combs, Dobbins, Edson, Fleming,
Ford, Gifford, Hayes, Heffren, Horton, Jenkinson, Kitchen, McClurg,
Moss, Mutz, Pitts, Prosser, Robbins, Roberts, and Trier—23.

So the amendment was laid on the table.

Mr. Stotsenburg moved to amend by inserting the word “knowing-
ly,” after the word “shall,” in the first line of section 11.

Mr. Parrett moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on the amendment offered by Mr. Stotsenburg.
It was not agreed to.

The question being, shall the bill be engrossed?

Messrs Heffren and Roberts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Bryan, Bundy,
Burgess, Cameron, Campbell, Collins of Whitley, Coop-
rider, Crain, Epperson, Ferguson, Frasier, Goar, Hall, Haworth, Henricks, Hopkins,
Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne,
Kendrick, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Pack-
ard, Parrett, Randall, Sherman, Sloan, Thomas, Thompson, Under-
wood, Veatch, Wells, Woodhull, Woods and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Black, Branham, Brett, Cason, Combs, Dashiell, Dobbins, Edson, Erwin, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Gresham, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Lods, Lane, Lee, McClurg, McLean, Moss, Mutz, Owens, Pitts, Polk, Prosser, Prow, Robbins, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Warrum, and Williams—42.

So the bill was ordered to be engrossed.

No. 316. A bill regulating the practice in the Circuit and Common Pleas Courts on appeals from justices of the peace.

Was read the second time and,

On motion,

Referred to the Committee on Judiciary.

On motion by Mr. Veatch,

House bill No. 176. A bill to license dogs and providing for the payment of damages sustained in the maiming or killing of sheep by dogs.

Was taken up and referred to the Committee on Agriculture.

On motion,

The House adjourned.

2 O'CLOCK, P. M.

House met.

Mr. Heffren asked and obtained leave to introduce

House bill No. 318. A bill to amend the 447th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a first time and passed to a second reading.

Mr. Packard asked and obtained leave to introduce

House bill No. 319. A bill to regulate the business of insurance companies organized in the State of Indiana after the passage of this act.

Was read a first time and passed to a second reading.

The Speaker laid before the House the following warrant, issued by the Speaker on Saturday last:

STATE OF INDIANA, }
MARION COUNTY. }

IN THE HOUSE OF REPRESENTATIVES, }
February 23, 1861. }

To the Doorkeeper thereof acting as Sergeant-at-Arms:

You are hereby commanded to take into your custody the body of William F. Bagot, if he may be found in this State, and bring him forthwith before the bar of this House to answer for a contempt in failing and refusing to appear before the select committee of this House to investigate the Northern State Prison, and of this writ make due service and return.

Witness the signature of the Speaker of the House the date above written.

CYRUS M. ALLEN,
Speaker House of Representatives.

Attest:
J. W. GORDON,
Clerk of House of Representatives.

With the following endorsement:

FEBRUARY 26, 1861.

In obedience to the command of the within writ I have served the same upon the said William F. Bagot and now have him in custody to await the pleasure of the House.

JAS. F. JOHNSON.

STATE OF INDIANA, }
MARION COUNTY. }

I solemnly swear that my not appearing before the committee on Friday was caused by the sickness of my wife, whose condition was such that I could not safely leave her, and not from any desire or in-

tent to evade the process of this House; and that I came in obedience to said subpoena as soon as I could safely leave my family.

W. F. BAGOT.

Subscribed and sworn to this 26th day of February, 1861.

CYRUS M. ALLEN,

Speaker House of Representatives.

Mr. Heffren moved that William F. Bagot be discharged from custody after he testifies before said committee this afternoon.

Which was agreed to.

Mr. Campbell asked and obtained leave to introduce

House bill No. 320. A bill to provide for the better organization of the Indiana University and management of its affairs; to increase the number of its board of trustees and to limit their compensation.

Was read a first time and passed to a second reading.

Mr. Bundy asked and obtained leave to introduce

House bill No. 321. A bill to compel companies which have heretofore or may hereafter construct McAdamized and gravel roads through towns to gravel the streets upon which such roads may be constructed.

Was read a first time and passed to a second reading.

Mr. Crain obtained leave to introduce

House bill 322. A bill to repeal section thirty-eight of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

Was read a first time and passed to a second reading.

Mr. Wilson asked and obtained leave to introduce

House bill No. 323. A bill to amend section twelve of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Was read a first time and passed to a second reading.

The Speaker announced the following committee on apportionment for Congressional purposes, under concurrent resolution of both houses, to-wit:

Messrs. Branham, Stevenson, Crain, Feagler, Brett and Grover.

SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of House bill No. 62—a bill to authorize the Bank of the State of Indiana to lay off and establish five additional bank districts and to locate and establish branches therein,

Mr. Heffren moved a call of the House,
Which was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridner, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—90.

On motion by Mr. Dobbins,
The further call was dispensed with.

The question being on recommitting the bill to a select committee of three with the following instructions:

SEC. 2. That the books for the subscription of stock shall be kept open in some public and convenient place from twelve o'clock noon until four o'clock of said day for six consecutive days, and said by its officers shall cause thirty days notice of the time and place of the opening of the books to receive subscription of stocks, and should more stock be subscribed for than is allowed to each of said branches then the same shall be divided *pro rata* among all the subscribers.

Which the Speaker decided out of order.

Mr. Knowlton offered the following amendment:

Amend so as to require the branches already organized to furnish

the required amount of stock for the five new branches without any premium upon such stock to the stock subscribers, and that such organized brance be required to furnish its *pro rata* share of such stock.

Mr. Cameron moved to lay the motion to recommit and the amendment on the table.

Messrs. Prosser and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Haworth, Heffren, Henriks, Hopkins, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane Lee, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker.—57.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Edson, Fleming, Ford, Gifford, Gresham,
Hayes, Horton, Howard, Kitchen, Knowlton, Lods, McClurg, Moss,
Mutz, Packard, Parrett, Pitts, Polk, Prosser, Prow, Roberts, Smith
of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum and Wilson
—35.

So the motion prevailed.

Mr. Stotsenburg offered the following amendment:

I move to recommit the bill to the Committee on Banks, with instructions to report the following amendment:

Strike out all after the enacting clause and insert the following:
The Bank of the State shall be required to establish a branch of said bank in every county in the State where branches are not now established.

Which was ruled out of order by the Speaker.

The question being, shall House bill No. 62 pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiel, Epperson, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Grover, Haworth, Henricks, Hopkins, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Orr, Owens, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Cason, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Edson, Erwin, Fleming, Ford, Fordyce, Gifford, Gresham, Hall, Hayes, Heffren, Horton, Howard, Jones of Wayne, Kitchen, Knowlton, Lods, McClurg, Mutz, Newman, Packard, Parrett, Pitts, Polk, Prosser, Prow, Roberts, Stevenson, Stotsenburg, Trier and Warrum—38.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Knowlton,
The House adjourned till to-morrow morning at 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
February 27, 1861. }

The House met.

On motion by Mr. Heffren,
The reading of the journal was dispensed with.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Cameron,

A petition praying for the protection of sheep against dogs.
Which was referred to the Committee on Agriculture.

By Mr. Cooprider,

A petition in reference to national affairs.

Which was referred to the select committee of thirteen on Federal relations.

By Mr. Jenkinson,

A memorial from Wm. Rockhill, presenting an order on the State for ten thousand dollars, and asking an appropriation to pay the same.

Which was read and referred to the Committee on Claims.

Mr. Heffren asked and obtained leave to introduce

House bill No. 324. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the time of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Which was read a first time and passed to a second reading.

Mr. Heffren moved to suspend the rule and read the bill a second time by its title.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Cooprider, Dashiell, Davis, Dobbins, Erwin, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Newman, Orr, Owens, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—78.

Voting in the negative, Mr. Ferguson—1.

So the rule was suspended.

House bill No. 324. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the times of holding said courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Was read a second time.

Mr. Heffren moved to consider the bill as engrossed, and read a third time.

Which was agreed to, and House bill No. 324,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henrieks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrott, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Black, Goar, Lane and Ragan—4.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Williams, from a select committee of the House, made the following report:

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 177, entitled a bill to amend section 5 of an act entitled an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, &c., have had the same under consideration, and would recommend that section 5 be so

amended as to fix the time of holding said court in Ohio county on the second Mondays of January, May and September, and to hold for one week only, and when so amended would recommend its passage.

The report was concurred in, and the amendment ordered to be engrossed.

Mr. Fisher, from the Committee of Ways and Means, asked and obtained leave to introduce

House bill No. 325. A bill to raise a revenue for State purposes for the years 1861 and 1862.

Which was read a first time and passed to a second reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 315, introduced by Mr. Jones of Tippecanoe, entitled a bill to amend the third, fourth, fifth, ninth and eleventh sections of an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof, approved March 5, 1859, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Bundy, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred Senate bill No. 116, introduced by Mr. Claypool, entitled a bill to amend section 7 of an act entitled an act to provide for the election of a reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such reporter, approved February 5, 1852, have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill passed to a third reading.

Mr. Edson from the Committee on the Judiciary made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 254, introduced by Mr. Brett, entitled "An act to provide for the re-valuation and sale of forfeited school lands," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Gresham, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 104, introduced by Mr. Slack, entitled "A bill to amend an act, entitled, 'an act to amend the first section of an act concerning real property and the alienation thereof,' approved May 6th, 1852, approved March 2d, 1859, and to legalize conveyances made by Indians, negroes, mulattoes, and persons of mixed blood," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and Senate bill No. 104 read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Hefren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—84.

H. J.—42.

Those who voted in the negative were,

Messrs. Ferguson and Stotsenburg—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Edson, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 220, introduced by Mr. Mutz, entitled "An act to amend section 17 of an act, entitled an act regulating descents and the apportionment of estates," approved May 14th, 1852, have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Edson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 316, introduced by Mr. Warrum, entitled "A bill regulating the practice in the Circuit and Common Pleas Courts on appeal from justices of the peace," have had the same under consideration, and instruct me to report back to this House that in the opinion of said committee further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Edson, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 281, introduced by Mr. Edson, entitled "An act providing for the compensation of District Attorneys and regulating their fees," have had the same under consideration, and direct me to report the accompanying amendment thereof, and that they recommend its passage when amended.

Amended by striking out all after the enacting clause, and insert the following:

"That District Attorneys shall receive an annual salary of three hundred dollars, to be paid quarterly out of the county treasuries of the counties forming the Common Pleas district, in proportion to their population, according to the basis of the last preceding census taken either by the United States or the State, and also the following fees, to-wit: Docket fee on plea of guilty, \$2.00 Docket fee on plea of not guilty on conviction, \$2.00. In all other cases not specified when required to prosecute or defend by law, his fee shall be \$5.00. Also 5 per cent. on all forfeited recognizances recovered by him. All of said fees to be taxed as other cases against the losing party: *Provided*, That nothing herein contained shall be so construed as to bind the counties or county in which the services may be performed for anything except the salary above stated, and as to bind the State in any instance whatever for the payment of the fees or salary.

"SEC. 2. As there is no law now in force providing any compensation whatever for district attorneys, it is hereby declared that an emergency exists for the immediate taking effect of the act, it shall therefore be in full force and effect from and after its passage."

The report was concurred in, the amendment adopted, and ordered to be engrossed.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 288, introduced by Mr. Veatch, entitled "A bill to provide for the detection and arrest of felons," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate joint resolution No. 5, entitled "A joint resolution proposing an amendment to article 2d of the Constitution so as to guard against fraudulent voting," have had the same under consideration, and direct me to report said joint resolution back to the House and recommend its passage.

Which was concurred in, and joint resolution No. 5 was read,
And the question being,
Shall the joint resolution pass? -

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Hefren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Ferguson and Kitchen—2.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 235, introduced by Mr. Branham, entitled "an act containing some provisions respecting the sinking fund, and its management and control, and some provisions respecting the stock and means belonging to the same, and requiring the officers of said funds to account for the interest that shall accrue on deposits made of said fund, and how and for what purpose said deposit may be made and secured," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Dobbins obtained leave and presented a certificate and other papers, from Obed Mercer, county commissioner of Martin county, for the relief of John Waggoner.

Which were referred to the Committee on Claims.

Mr. Davis, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred concurrent resolution No. 13, in regard to the extension of the patent on McCormick's reaping and mowing machine, have had the same under consideration, and direct me to report the same back to the House and recommend its passage.

The report was concurred in, and the resolution adopted.

Mr. Stotsenburg, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 263, being "an act to amend section seventeen of an act entitled 'an act to fix the times of holding the Common Pleas Courts,' " etc., introduced by Mr. Packard, of Marshall and Starke, would respectfully represent that they have had the same under consideration, and direct me to report that in the opinion of your Committee, as the bill provides for the organization of Courts in a particular district, it is proper that it should be passed, and they therefore recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Cameron, from the Committee on Benevolent Institutions, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred the petition of N. Field and others, asking that the law regulating the admission of patients to the Indiana Hospital for the Insane shall be so altered as to allow the admission of epileptic patients, have had the same under consideration, and direct me to report that in their opinion there are as many recent cases of insanity within the bounds of the State as the present Asylum can accommodate, and that it is desirable that those who are more recently insane, and who have some prospect of a cure should have the benefits of the Institution in preference to epileptics, who from the nature of their disease are generally incurable.

While your Committee would recommend that the Asylum should be kept for cases of recent standing, they think that as soon as the finances of the State will allow, there should be erected a separate

and distinct Asylum for confirmed epileptics and incurable insane, who could there be better provided for than at the poor houses, and at less expense to the people of the State.

Your Committee are aware that the number of confirmed epileptics and incurable insane outnumber those who have any prospect of a cure, and that they are more dangerous and more troublesome, and that philanthropy and humanity dictates that as soon as possible they should be provided for, but on account of the present embarrassing condition of the State Treasury, further legislation on the subject is at this time inexpedient.

The report was concurred in.

SPECIAL ORDER OF THE DAY.

The hour having arrived for the consideration of House bill No. 61,

House bill No. 61. A bill defining who shall be qualified voters at district school meetings, and in the selection of district director, and in the selection and dismission of school teachers, and repealing all laws or parts of laws in conflict with this act.

Was taken up.

On motion by Mr. Heffren,

The House resolved itself into Committee of the Whole, with Mr. Heffren in the chair.

After remaining in session some time, the Committee rose and made the following report:

MR. SPEAKER:

The Committee of the Whole House, to whom was referred House bill No. 61, have instructed me to report progress, and ask leave to sit again on the re-assembling of the House this afternoon.

The report was concurred in.

On motion,

The House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met.

The House resolved itself into Committee of the Whole, with House bill No. 61 under consideration.

Mr. Heffren in the chair.

After remaining in session some time, the Committee rose and made the following report:

MR. SPEAKER:

The Committee of the Whole House have had House bill No. 61 under consideration, and have instructed me to report the same back to the House, and ask to be discharged from further consideration of the same.

Mr. Prosser moved that the bill be recommitted to the Committee on Education.

Mr. Cameron moved the previous question,
Which was seconded by the Xouse.

The question being, shall the main question be now put,
It was ordered.

The question being on committing the bill to the Committee on Education,
It was agreed to.

On motion by Mr. Knowlton,
The House adjourned till to-morrow morning at 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
February 28, 1861.

The House met.

On motion by Mr. Heffren,
The reading of the journal was dispensed with.

Mr. Heffren presented the following claims:

	<i>The State of Indiana Dr.</i>	
To fees as witness on Bank Fraud Com.....		\$14 80
	<i>State of Indiana to Guards' Band Dr.</i>	
For music at flag raising.....		\$25 00
	<i>To Greys' Band Dr.</i>	
For music at flag raising.....		\$25 00

Which,

On motion,

Were referred to the Committee on Claims.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following concurrent resolution of the House, to-wit:

Resolved, by the House, (the Senate concurring,) That our Senators be instructed, and our Representatives requested to use all honorable means to prevent any renewal, by Congress, of the patents formerly granted to Cyrus H. McCormick for reaping and mowing machines, as such extension would operate to the great detriment of the agricultural interests of the State.

Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing resolutions.

On motion by Mr. Heffren,

The order of business was suspended for the introduction of bills.

BILLS INTRODUCED.

By Mr. Allen,

House bill No. 326. A bill to revise an act entitled "an act to legalize the doings and proceedings of the Alton, Mount Carmel and New Albany Railroad Company, and for other purposes," approved February 4, 1857, extending the time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.

Which was read a first time and passed to a second reading.

By Mr. Jenkinson,

House bill No. 327. A bill amending an act entitled "an act to prohibit the evidence of Indians and persons having one-eighth or more negro blood, in all cases where white persons are parties in interest.

Which was read a first time and passed to a second reading.

By Mr. Gresham,

House bill No. 328. A bill to amend section four of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and providing for the return of process to the terms fixed by this act, and declaring when this act shall take effect.

Was read the first time.

Mr. Gresham moved to suspend the rule and read the bill a second time by its title.

The ayes and noes being taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Hefiren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, McClurg, McLean, Moorman, Moss, Mutz, Nebeker, Owens,

Packard, Parrett, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Cameron, Lightner and Ragan—3.

So the rule was suspended and House bill No. 328 read a second time by its title.

Mr. Gresham moved that the bill be considered engrossed and read a third time now.

Which was agreed to, and House bill No. 328 read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridner, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—89.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

By Mr. Parrett,

House bill No. 329. A bill to permit the removal of any Free Bank in the State of Indiana from one place to another.

Which was read a first time and passed to a second reading.

By Mr. Randall,

House bill No. 330. A bill to amend the second and fourth, and to repeal the third sections of an act entitled "an act fixing the time and mode of executing State Printing, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859.

Which was read a first time, and passed to a second reading.

By Mr. Fisher,

House bill No. 331. A bill requiring traveling merchants and peddlers to procure license in the several counties where they carry on business, prescribing penalties for the violations thereof.

Which was read the first time and passed to a second reading.

Mr. Branham asked and obtained leave to introduce the following resolution :

Resolved, That the Clerk, Assistant Clerk, and Doorkeeper of the House, and the Chairman of each Committee, be requested to furnish to the Committee of Ways and Means, immediately, the name of each person employed by them during the present session of the Legislature.

Which was agreed to.

Mr. Branham moved to take up the following message from the Governor.

Which was not agreed to.

Message from the Governor, by Mr. Holloway, Executive Messenger :

EXECUTIVE DEPARTMENT, }
January 28th, 1861. }

In pursuance of a resolution passed by your honorable body, calling upon me for information as to the amount of fees and perquisites received by the President of the Sinking Fund, Secretary of State, Auditor of State, and Treasurer of State, since the 5th day of March, 1859, and whether the same had been paid into the State treasury. I addressed a note to each one of the above named officers, asking them to make to me such statements in writing, as would enable me to furnish the information desired by the resolution. From the Hon. Ebenezer Dumont, President of the Sinking Fund, from the Hon. Wm. A. Peele, Secretary of State, from the Hon. John W. Dodd, late Auditor of State, and from the Hon. Nathaniel Cunningham, Treas-

urer of State. I have received written answers, which are herewith transmitted and laid before your honorable body.

I have no other information on the subject than that contained in the statements herewith transmitted.

OLIVER P. MORTON, *Governor.*

On motion by Mr. Branham,

The reports accompanying the foregoing message, were referred to the Committee of Ways and Means.

REPORTS FROM SELECT COMMITTEES.

MR. SPEAKER:

The select committee to whom was referred Senate bill No. 31, "A bill to authorize and regulate the sale of and to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations and to exercise corporate and other powers; to provide for the payment of stock injured by such corporations, and also to legalize sales of railroads heretofore made, report that they have had the same under consideration and recommend that the same be amended as follows:

In the ninth line of section one, after the words "then upon," insert the words "an agreement as aforesaid, either before or after."

Also, in the tenth line of the third page of the bill, being the twenty-third line of said first section, after the word "shall" in said line, insert the words "in pursuance of such agreement."

Also, at the end of section four insert the following words: "*Provided*, That all the property of said company shall be liable for damages recovered against said company for stock killed or injured by them and exempt from mortgage liens."

Also, at the end of the third line of the fifth section insert the words "at any such sale."

Also, from the commencement of the seventh section strike out the following words, to-wit: "That none of the provisions of this act shall take effect and be in force without every purchaser or purchasers of any railroad," and insert instead thereof the following words: "That no purchaser or purchasers of any railroad shall be entitled to any rights or benefits under this act until such purchaser or purchasers."

Also, strike out the title and insert the following:

“An act to legalize, authorize and regulate the sale of, and to perfect the title of purchasers of railroads heretofore sold or hereafter to be sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations and to exercise corporate and other powers; to provide for the payment of stock injured by such corporation, and also to provide for the payment of ticket and freight balances.”

And when so amended recommend its passage.

The report was concurred in and the amendment adopted.

By consent,

Mr. Heffren offered the following resolution:

Resolved, That the Judiciary Committee be instructed to inquire into and report to this House the last day upon which bills can be constitutionally passed.

Which was agreed to.

By Mr. Howard,

A petition from Samuel H. Patterson,

Which was referred to the Committee on Claims.

Mr. Fordyce, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 266, providing for the purchase of certain volumes of Blackford's Reports and for the distribution thereof, have had the same under consideration and have instructed me to report that in view of the present condition of the Treasury they deem further action inexpedient, and recommend that the bill be laid on the table.

Which was concurred in and the bill laid on the table.

Mr. Fordyce, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 194, entitled “a bill to provide for the sale of certain prop-

erty in the city of Indianapolis belonging to the State of Indiana, and with the proceeds thereof to purchase new grounds within the limits of said city and erect thereon a new residence for the Governor, and for the regulation of the same," have had the said bill under consideration and have instructed me to report that in view of the embarrassed condition of the Treasury and the country they deem further legislation on that subject inexpedient at this time, and recommend that the bill be laid on the table.

The report was concurred in and the bill laid upon the table.

Mr. Fordyce, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 200, "to amend the third section of the act relative to the Sinking Fund," have had the same under consideration and herewith report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Gifford, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 211, entitled "a bill to authorize the Superintendent or other persons having charge of county asylums for the poor to discharge inmates from the same, and to apprentice minors put under their charge," have had the same under consideration and instruct me to report, recommending to strike out all after the enacting clause and to insert the following in lieu thereof:

"That the Superintendent or other person having charge of any county asylum for the poor, shall have the power to discharge any inmate under his care, whenever such inmate shall, in the opinion of the physician appointed to attend such asylum, become able to earn his or her living; also to discharge any inmate, with the concurrence of a majority of the County Commissioners, who may have sufficient property for his or her maintenance; also to discharge, with the concurrence above mentioned, any inmate, who being of sound mind, shall refuse to comply with the rules of the asylum, or to obey the reasonable and proper commands of those having charge of the same, or who shall wilfully waste or destroy any property provided by the county for the benefit of the poor.

SEC. —. This act shall be in force from and after its passage.

The report was concurred in and the amendment adopted.

The bill was then ordered to be engrossed.

Mr. Branham, from the Committee of Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 247, "a bill to provide for taxing and collecting for the use of the State docket fees in certain civil, and criminal cases to which the State is or may be a party," have had the same under consideration and recommend its adoption, with an amendment of section seven striking out all after the words "from and after its passage."

The report was concurred in and the amendment adopted, and the bill ordered to be engrossed.

Mr. Fisher, from the Committee on Banks, made the following report:

MR. SPEAKER:

The Committee on Banks, to whom was referred Senate bill No. 86, a bill to amend the third, fourth, sixth, seventh and forty-ninth sections of the act entitled an act to amend an act to authorize and regulate the business of general banking, passed March 3, 1855, have had said bill under consideration, and have directed me to report the same back, with the following amendment, and when so amended recommend its passage:

SEC. —. Whereas, under the present law any banker or banking association may procure its own plate and dies, therefore an emergency exists for the immediate taking effect, and it shall take effect and be in force from and after its passage.

Mr. Grover moved to recommit the bill to the Committee on Banks, with the following instructions:

Amend the bill so that all moneys arising from the sale of bonds shall be in the custody of the Treasurer of State, and shall only be paid out upon warrant of the Auditor of State.

Which was not agreed to.

Mr. Grover moved that the bill be laid on the table.
Which was not agreed to.

The question then being on the motion to concur in the report of the Committee and adopting the amendments,
It was agreed to.

The bill was then ordered to be engrossed.

Mr. Heffren obtained leave and presented a claim from R. L. & A. W. M'Onat.
Which was referred to the Committee on Claims.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed to bring to the House enrolled joint resolution No. 5, for the signatures of the Speaker and Clerk thereof, a joint resolution proposing an amendment to section second of article second of the Constitution, so as to guard against fraudulent voting.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed to bring to the House, for the signatures of the Speaker and Clerk thereof, enrolled bill No. 104 of the Senate, a bill to amend an act entitled an act to amend the 1st section of an act concerning real property, and the alienation thereof, approved May 6, 1852, approved March 2, 1859, and to legalize conveyances made by Indians, negroes, mulattoes, and persons of mixed blood.

On motion by Mr. Heffren,
The order of business was suspended, and House bills on third reading taken up.

HOUSE BILLS ON THIRD READING.

No. 63. A bill to repeal an act entitled an act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor, approved February 23, 1859.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Brett, Davis, Ford, Hayes, Heffren, Horton, Jenkinson, Packard, Polk, Prosser, Robbins, Warrum and Mr. Speaker—14.

Those who voted in the negative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kitchen, Lods, Lane, Lee, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Parrett, Pitts, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Wells, Wilson, Woodhull and Woods—75.

So the bill did not pass.

No. 140. A bill to authorize the President of the Board of Sinking Fund Commissioners to make deeds and mortgages in certain cases therein named.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—92.

H. J.—43.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 71. A bill to amend section fourteen of an act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

Was read a third time, and

On motion by Mr. Woods,
The bill was laid on the table.

No. 36. A bill for the relief of the heirs of Michael O'Brien, deceased.

Was read a third time, and

On motion by Mr. Woodhull,
The bill was laid on the table.

No. 100. A bill authorizing township trustees to assign certificates of purchase of saline lands which were purchased with district school funds by the inhabitants of school districts in congressional townships for school house sites.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—88.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 33. A bill to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law and equity, or pursuant to the provisions of mortgages or deeds of trust, or by the joint exercise of those authorities, and to enable them to organize corporations, and to exercise corporate and other powers.

Was read a third time, and,

On motion by Mr. McLean,

The bill was laid on the table.

No. 136. A bill for the protection of fish and fisheries, and providing penalties for the violation of this act.

Was read a third time, and,

On motion by Mr. Heffren,

The bill was laid on the table.

No. 94. A bill touching the salary of Common Pleas Judges, and apportioning the payment of the same among the various counties of the State.

Was read a third time, and,

On motion by Mr. Bundy,

The bill was laid on the table.

No. 22. A bill to repeal an act entitled "an act to establish Courts of Conciliation, to prescribe rules, practice and proceedings therein, and compensation of Judges.

Was read a third time.

Mr. Cameron moved to lay the bill on the table.

Which was not agreed to.

Mr. Roberts moved the previous question.

Which was not seconded.

The question being, shall the main question be now put?

It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Brett, Bundy, Burgess, Cason, Collins of Whitley, Crain, Dobbins, Edson, Fisher, Fleming, Fordyce, Frasier, Gresham, Grover, Hayes, Heffren, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Knowlton, McClurg, McLean, Newman, Owens, Packard, Parrett, Randall, Roberts, Sherman, Sloan, Thomas, Thompson, Veatch, Wells, Woodhull and Mr. Speaker—37.

Those who voted in the negative were,

Messrs. Anderson, Black, Branham, Brucker, Bryan, Cameron, Campbell, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Epperson, Feagler, Ferguson, Ford, Fraley, Gifford, Goar, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, Moorman, Moss, Mutz, Nebeker, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Turner, Underwood, Warrum, Wilson and Woods—53.

So the bill did not pass.

No. 102. A bill to amend the third and fourth sections of an act entitled "an act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act," approved Feb. 26, 1857.

Was read a third time.

Mr. Dobbins moved to recommit the bill with instructions to "strike out all that relates to quails."

Mr. Heffren moved that the motion to recommit be laid on table. Which was agreed to.

On motion by Mr. Stotsenburg,
The bill was laid on the table.

No. 142. A bill to amend section fifty-one of an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.

Was read a third time, and,

On motion by Mr. Cason,
The bill was laid on the table.

No. 106. A bill to amend the thirteenth section of an act entitled "an act defining misdemeanors, and prescribing the punishment therefor."

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Dobbins, Edson, Er-

win, Feagler, Ferguson, Fisher, Frasier, Gifford, Goar, Grover, Hayes, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lods, Lane, Lee, McLean, Moorman, Mutz, Packard, Parrett, Pitts, Polk, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Veatch, Warrum, Wells, Wilson, Woodhull and Woods—57.

Those who voted in the negative were,

Messrs. Bingham, Black, Crain, Epperson, Fleming, Ford, Fraley, Hall, Haworth, Heffren, Henricks, Hopkins, Horton, Howard, Hurd, Jenkinson, Kendrick, Kitchen, Knowlton, Lightner, McClurg, Moss, Nebeker, Newman, Prosser, Prow, Ragan, Sherman, Smith of Bartholomew, Stotsenburg, Trier, Underwood and Mr. Speaker—33.

So the bill passed.

Ordered, That the Clerk inform the Senate.

No. 122. A bill to organize a judicial district composed of the counties of Vermillion, Parke, and Putnam, providing for the appointment and election of a Judge and District Attorney therefor, fixing the time of Commencement and the duration of the terms thereof; making all writs, subpoenas, venires, rules and orders of Court, reports, recognizances, publications and process whatever, returnable thereto, and declaring when and how the same shall take effect.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Branham, Brett, Brueker, Bryan, Burgess, Cason, Crain, Erwin, Feagler, Fisher, Fordyce, Frasier, Grover, Hall, Haworth, Heffren, Hopkins, Horton, Hudson, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, Mutz, Newman, Packard, Parrett, Pitts, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stotsenburg, Turner, Veatch, Warrum, Wells, Woodhull and Mr. Speaker—44.

Those who voted in the negative were,

Messrs. Black, Bundy, Cameron, Campbell, Collins of Adams, Combs, Coopridier, Dashiell, Davis, Dobbins, Edson, Epperson, Ferguson, Fleming, Ford, Fraley, Gifford, Goar, Hayes, Henricks, Howard, Hurd, Jones of Tippecanoe, Kitchen, Knowlton, Lods, Lane, Lee, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Owens,

Polk, Prow, Robbins, Smith of Bartholomew, Stevenson, Trier, Thomas, Thompson, Underwood, Wilson and Woods—46.

So the bill did not pass.

No. 238. A bill supplemental to an act to require surviving partners to file inventories and appraisement in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, approved March 5, 1859.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Braham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods, and Mr. Speaker—89.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Messrs. Williams and Orr were granted leave of absence on account of sickness.

Mr. Edson was granted leave of absence till Wednesday next.

House bill No. 64. A bill authorizing aliens to hold lands in the State of Indiana by devise or descent.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins, of Whitley, Collins of Adams, Combs, Cooprider, Crain, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Gore, Gresham, Grover, Hall, Hayes, Heffren, Henrieks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—89.

No one voting in the negative.

So the bill passed.

Mr. Veatch moved to amend the title so it shall read as follows:

“An act to authorize aliens to hold lands in the State of Indiana by devise or descent, and sell and convey and alienate the same.”

Which was adopted.

Ordered, That the Clerk inform the Senate of the passage of the title.

No. 243. A bill fixing the time of holding the Circuit Courts in the first judicial circuit, and of repealing all laws in conflict therewith.

Was read a third time, and,

The question being, shall the bill pass:

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Cooprider, Crain, Dashiell, Davis, Dobbins, Edson, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gresham, Grow, Hall, Haworth, Hayes, Heffren, Henrieks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne.

Kendrick, Kitchen, Kowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—90.

So the bill passed.

Mr. Stotsenburg moved to amend the title as follows:

Amend the title by adding and making all writs, summons and process returnable, returnable thereto.

Which was adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 263. A bill to amend section seventeen of an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the donation of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridier, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Haworth, Hayes, Heffren, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—86.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 116. A bill to require the manufacturers and vendors of copy right medicines or prescriptions, commonly known as patent medicines, to label packages, bottles or boxes, in which said medicines or prescriptions are contained, with the names and quantity of the various kind or kinds of medicines, articles, or ingredients composing said composition of medicines.

Which was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Erwin, Feagler, Ferguson, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods, and Mr. Speaker—82..

No one voting in the negative.

So the bill passed.

Mr. Veatch moved to amend the title as follows:

“And providing a penalty for the violation thereof.”

Which was adopted.

Ordered, That the Clerk inform the Senate of the passage of the same.

No. 30. A bill to amend the seventy-eighth section of an act entitled an act entitled an act to revise, simplify and abridge the rules, practice, pleading and forms in criminal actions in the Courts of this State, approved June 19, 1852.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins, of Adams, Combs, Crain, Dashiel, Davis, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Hayes, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermilion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Owens, Parrett, Packard, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anderson, of the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The Committee on Enrolled Bills have examined and compared engrossed House bills Nos. 254 and 315, with the originals, and find them correctly engrossed.

The Speaker laid before the House the following communication from the Auditor of State :

OFFICE OF AUDITOR OF STATE, }
Indianapolis, February 27, 1861. }

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives :

SIR—I have the honor to transmit herewith (in response to a resolution of the House) an abstract of the reports received at this office from county auditors as to the amount of fees received by them out of the county treasuries during the year commencing June 1, 1859, and ending May 31, 1860.

It is proper to remark that many of the Auditors report that on account of increased labor occasioned by the re-appraisement of real estate, the amount of Auditors fees was unusually large during the year mentioned.

Respectfully submitted,

ALBERT LANGE, *Auditor of State.*

Which was referred to the Committee on Ways and Means.

On motion by Mr. Heffren,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Heffren moved to suspend the order of business and take up House bills on second reading.

Which was agreed to.

HOUSE BILLS ON SECOND READING.

No. 317. A bill regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana and the Stock Banks of Indiana.

Was read a second time and ordered to be engrossed.

No. 318. A bill to amend section four hundred and forty-seven of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a second time and ordered to be engrossed.

No. 319. A bill to regulate the business of insurance companies organized in the State of Indiana after the passage of this act.

Which the Speaker decided out of order, having been once disposed of by the House.

No. 320. A bill to provide for the better organization of the "Indiana University," and management of its affairs, to increase the number of its Board of Trustees, and to limit their compensation.

Was read a second time.

Mr. Dobbins offered the following amendment:

Strike out "John W. Foster," and insert "James E. Blythe."

On motion,

The bill and amendment were referred to the Committee on Corporations.

No. 321. A bill to compel companies which have heretofore or may hereafter construct McAdamized and gravel roads through towns to gravel the streets upon which such roads may be constructed.

Was read the second time.

Mr. Black offered the following:

Amend after "company," third line, section one, or their assigns."

On motion,

The bill and amendment were referred to the Committee on Roads.

No. 322. A bill to repeal section thirty-eight of an act entitled "an act to provide for the incorporation of railroad companies," approved May 11, 1852.

Was read a second time and referred to the Committee on the Judiciary.

No. 323. A bill to amend section twelve of an act entitled "an act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14, 1852.

Was read a second time, and referred to the Committee on Education.

Mr. Packard asked and obtained leave to withdraw House bill No. 319 from the files, and allow it to take its place on the files as before it was ruled out of order by the Speaker.

No. 325. A bill to raise a revenue for the years 1861 and 1862.
Was read a second time.

Mr. Branham moved that the bill be considered as engrossed, and suspend the rule and read the bill a third time now.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher,

Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moody, Mutz, Nebeker, Newman, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—81.

No one voting in the negative.

So the rule was suspended, and House bill No. 325 read a third time, and

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Mutz, Nebeker, Newman, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—86.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Mr. Heffren obtained leave and offered the following resolution :

Resolved, That when the House adjourn it adjourn to meet at 7 o'clock P. M.

Which was adopted.

Mr. Lane moved to suspend the order of business and take up Senate messages.

Which was agreed to.

A message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit :

Senate bill No. 107. A bill for the relief of the heirs of Michael O'Brien, deceased.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 107, enclosed in the foregoing message, was read a first time and passed to a second reading.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 20. A bill supplemental to an act entitled an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors ; to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof, approved March 5, 1856.

Senate bill No. 30. A bill to amend sections four, five, eighteen, twenty, twenty-one and twenty-two, of an act entitled an act regulating general elections, and prescribing the duties of officers in relation thereto, approved June 7, 1852, and repealing sections twenty-nine and thirty of said act.

Senate bill No. 57. A bill to amend the first section of an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 1, 1852, and to legalize the action of boards of county commissioners in regard to the levying of poll taxes for county purposes, and declaring an emergency for the immediate taking effect of this act.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Dobbins moved that the rule be suspended, and read Senate bill No. 30 by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitely, Combs, Coopridger, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Hendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—83.

Voting in the negative, Mr. Collins of Adams—1.

So the rule was suspended, and Senate bill No. 30 read a first and second times by its title, and,

On motion,

Referred to the Committee on the Judiciary.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 39. A bill to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith.

With the following engrossed amendments thereto, to-wit:

Amend section eleven by adding thereto the following words:

Provided, That nothing herein contained shall be so construed as to affect any county now fully organized under existing laws.

Mr. Edson moved to concur in the Senate amendment, with the following amendment :

“Nothing in this act shall affect any proceedings now pending, for the proposed formation of the new county of Bourbon.”

Mr. Cameron moved to lay the amendment on the table.

Messrs. Edson and Cason demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Combs, Coopriders, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Moorman, Nebeker, Newman, Owens, Parrett, Prosser, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Black, Cason, Collins of Whitley, Collins of Adams, Davis, Dobbins, Edson, Fleming, Fordyce, Gifford, Heffren, Howard, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, Moody, Mutz, Packard, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson and Stotsenburg—27.

So the motion was laid on the table.

Mr. Heffren moved to concur in the amendments of the Senate, with the following amendment :

“Or to affect proceedings for the purpose of forming new counties, where the petitioners have had or now have suits pending in the supreme court.”

Mr. Prosser moved to lay the amendment on the table.

Messrs. Heffren and Roberts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Combs, Coopriders, Crain, Dashiell, Epper-

son, Erwin, Feagler, Ferguson, Fleming, Ford, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, McClurg, Moody, Moorman, Nebeker, Newman, Owens, Parrett, Polk, Prosser, Ragan, Randall, Sloan, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Black, Cason, Collins of Whitley, Collins of Adams, Davis, Dobbins, Edson, Fisher, Fordyce, Gifford, Heffren, Howard, Knowlton, Lods, Lee, Lightner, Mutz, Packard, Pitts, Prow, Robbins, Roberts, Sherman, and Stotsenburg—24.

So the amendment was laid on the table.

The question being on concurring in the engrossed amendments of the Senate,

Mr. Cameron moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

So the amendments of the Senate were concurred in.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Heffren,
House bill on third reading were taken up.

HOUSE BILLS ON THIRD READING.

No. 135. A bill to amend section six of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt from taxation the personal property of widows, where the same does not exceed three hundred dollars in value.

Was read a third time.

Mr. Jenkinson moved to lay the bill on the table.

H. J.—44.

Messrs. Bundy and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bundy, Campbell, Collins of Adams, Goar, Heffren, Henricks, Jenkinson, Jones of Wayne, Lane, Moorman and Prosser—10.

Those who voted in the negative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Haworth, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Vermillion, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—73.

So the motion to lay on the table did not prevail.

Mr. Frasier moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Crain, Dashiel, Davis, Dobbins, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Wells, Woodhull and Woods—72.

Those who voted in the negative were,

Messrs. Bundy, Combs, Gresham, Heffren, Jones of Vermillion,

Jones of Wayne, Prosser, Ragan, Smith of Bartholomew, Stotsenburg and Mr. Speaker—11.

No. 296. A bill to amend section fifteen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—83.

Mr. Ferguson voting in the negative—1.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 139. A bill to enlarge the capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Black, Boydston, Branham, Brucker, Bryan, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Grover,

Hall, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Bundy, Davis, Dobbins, Fleming, Ford, Heffren, Prosser, and Prow—8.

So the bill passed.

Ordered, That the Clerk inform the Senate.

No. 124. A bill to cure certain defects when persons have acted as deputies under the Clerks of the Circuit Courts by and with their consent in this State.

Which was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brucker, Bryan, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coop-
rider, Dashiell, Davis, Dobbins, Edson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Bundy, Crain, Epperson, Hall, Heffren and Lane—6.

So the bill passed.

Ordered. That the Clerk inform the Senate.

No. 115. A bill to amend an act entitled "an act supplemental to an act entitled 'an act to exempt property from sale in certain cases,' " approved February 17, 1852, approved March 5, 1859.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Hawthorth, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—87.

Mr. Lane voting in the negative—1.

So the bill passed.

Mr. Stotsenburg offered the following amendment to the title :

And to provide for the making out of a schedule by the wife in the absence of the execution defendant.

Which was adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Feagler asked and obtained leave of absence on account of sickness.

Mr. Dobbins moved to reconsider the vote by which House bill No. 135 was passed.

Mr. Frasier moved to lay the motion to reconsider on the table. Which was not agreed to.

The question recurring on the motion to reconsider,
It was agreed to.

House bill No. 135.

Mr. Woodhull, by unanimous consent, moved to amend the last section by inserting the words "real and."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brucker, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull and Woods—75.

Those who voted in the negative were,

Messrs. Gresham, Lane, Prosser, Ragan and Mr. Speaker—5.

So the bill passed.

Mr. Dobbins moved to amend the title of the bill by inserting the words "real and personal."

The title as amended was then adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

No. 114. A bill to amend the first section of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water.

Was read a third time, and,

• The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridger, Crain, Dashiell, Davis, Epperson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—73.

Those who voted in the negative were,

Messrs. Black, Combs, Ferguson, Fleming, Ford, Heffren, Mutz, Smith of Bartholomew—8.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 77. A bill to amend the sixth section of an act entitled "an act to incorporate the St. Joseph iron company, and to repeal the seventh, eighth, ninth, tenth, eleventh, and twelfth sections thereof," approved Jan. 22, 1835.

Was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Edson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Black, Ferguson, and Heffren—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 129. A bill to amend section one hundred and seventy-eight of the act entitled “an act providing for the settlement of decedents’ estates, prescribing the rights, liabilities and duties of officers connected with the arrangement thereof, and the heirs thereto, and certain forms to be used in such settlement,” approved June 17th, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Combs, Coopridner, Crain, Dashiell, Davis, Dobbins, Edson, Epperson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks,, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Cason, Collins of Adams, Heffren, Hudson and Stotsenburg—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Heffren,
The House adjourned till seven o’clock P. M.

7 O'CLOCK, P. M.

The House met.

MESSAGES FROM THE SENATE.

Senate Bills on First Reading.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 20. A bill supplemental to an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors; to prohibit the adulteration of liquors; to repeal all former laws contravening the provisions of this act, and prescribing penalties of violation thereof," approved March 5, 1859.

Senate bill No. 57. A bill to amend the first section of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to legalize the action of Boards of County Commissioners in regard to the levying of poll tax.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 20 and 57, inclosed in the foregoing message, were read a first time and passed to a second reading.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof, to-wit:

Senate bill No. 65. A bill to dispense with the selecting and sum-

moning a petit jury for Courts of Common Pleas where the business does not require it.

Senate bill No. 73. A bill to amend an act entitled "an act to authorize county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to legalize purchases heretofore made.

Senate bill No. 76. A bill to legalize the listing and assessment of property in the cities of this State, and the making out of the tax duplicates of such cities, and to authorize the treasurers and collectors of such cities to collect taxes in certain cases.

Senate bill No. 81. A bill to amend the fifty-first section of "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Senate bill No. 82. A bill to repeal an act to amend the 143rd section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, approved March 4, 1859.

Senate bill No. 88. A bill to amend section one of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Senate bill No. 93. A bill to amend section seven of an act entitled "an act to fix the times of holding Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect.

Senate bill No. 96. A bill relating to judgments upon instruments of writing containing a promise to pay money without relief from appraisement laws.

Senate bill No. 98. A bill to amend the thirteenth and fourteenth sections of an act entitled "an act providing for the election and

qualifications of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Senate bill No. 99. A bill to repeal section seventy-three of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county auditors and treasurers, and of the Treasurer and Auditor of State," approved June 21, 1852.

Senate bill No. 106. A bill to provide for the settlement and compromise by partners and joint debtors with their creditor and creditors.

Senate bill No. 101. A bill to amend section 168 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Senate bill No. 117. A bill to authorize and require clerks of Circuit and Common Pleas Courts to enter satisfaction of certain mortgages foreclosed in such courts and providing compensation therefor.

Senate bill No. 136. A bill to amend section six of an act entitled "an act providing for the organization of county boards and prescribing some of their powers and duties," approved June 17, 1852.

Senate bill No. 171. A bill to repeal an act entitled "an act to provide for the return of the jury in the Common Pleas Court at the third day of the term," approved March 5, 1859, and to authorize the Judges of the Courts of Common Pleas to fix the order of business in such court, and the day on which the jury shall be summoned to appear in such court.

Senate bill No. 203. A bill to authorize the Governor to obtain possession of all public arms and military equipments belonging to the State of Indiana, or distributed by the General Government to the same, and which are not in the possession of companies meeting regular for drill; and to institute legal proceedings to recover the said arms and equipments, or the value thereof, and also to provide for the distribution of the public arms, and to repeal all laws in conflict therewith.

Senate bill No. 221. A bill to repeal an act entitled "an act pre-

scribing the time of holding, and the length of the terms, of the courts of the third judicial circuit," approved March 3, 1859, and to revise and declare in force the act or parts of acts thereby repealed.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bills Nos. 65, 73, 76, 81, 82, 88, 93, 96, 98, 99, 101, 106, 117, 136, 171, 203, and 221, inclosed in the forgoing message, were severally read a first time and passed to a second reading.

A message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 138. A bill to amend the second section of an act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms, in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a change of venues in certain cases, approved March 5, 1859.

In which the concurrence of the House of Representatives is respectfully requested.

Which was read a first time, and passed to a second reading.

Mr. Fisher obtained leave and introduced.

House joint resolution No. 34. Joint resolution in relation to the publication of reports of the State Board of Agriculture.

Was read, and,

The question being, shall the joint resolution pass?

Mr. Cameron moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kitchen, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Parrett, Polk, Prosser, Prow, Ryan, Randall, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Woodhull and Woods—70.

No one voting in the negative.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Nebeker, from the Committee on Banks, made the following report :

MR. SPEAKER :

The Committee on Banks, to whom was referred House bill No. 209, have had the same under consideration and have instructed me to report the same back with an amendment, and upon said amendment being adopted they recommend the passage of the bill. They recommend that the bill be amended as follows, to-wit :

Strike out all after the words "to-wit," in the forty-fourth line, and insert the following: "*Provided further,* That when a banking association shall have gone to protest, and failed to provide any means beyond the stock deposited for the redemption of its circulating notes, it shall be the duty of the Auditor of State, in case the money arising from the sale of such stock is insufficient to pay the outstanding notes issued as money at par, to pay such portion of it as may remain in his hands unexpended at the expiration of five years from the sale of the stocks to the Commissioners of the Sinking Fund, who shall give the Auditor a receipt therefor, distinguishing the amount paid on account of each bank. They shall carry said money into the Sinking Fund and use and apply it as other money belonging to the said fund is or may be directed by law to be used and applied. They shall keep a book, in which shall be shown the amount paid by the Auditor on account of each bank, pursuant to the provisions of this act; and

when hereafter a note or notes, issued by any such bank to circulate as money, shall be presented to them for redemption, they shall pay to the holder thereof such per centum of the money paid into the sinking fund on account of the bank issuing the notes presented as the notes presented bear, to the whole amount of notes still outstanding at the date of the payment made by the Auditor to the Sinking Fund, so that the per centum paid to each note holder shall be the same. All notes so redeemed by the Sinking Fund Commissioners shall be delivered by them to the Auditor of State, who, after having made a description of the same, specifying number, date, denomination and aggregate amount, shall cancel and destroy the same in the presence of the President of the Sinking Fund Commissioners. Duplicate descriptions of said notes so to be canceled and destroyed should be made, signed by the Auditor and President of the Board of Commissioners of the Sinking Fund—one of which shall be deposited in the office of the Auditor of State and there recorded, and the other shall be deposited in the office of the Commissioners of the Sinking Fund and there recorded. The said Commissioners shall never pay out, in redeeming the notes issued as money by any bank, a greater sum, in the aggregate, than the amount paid into said fund by the Auditor of State, on account of such bank."

Mr. Prosser moved that the bill be recommitted to the Committee on Banks.

Which was agreed to.

Mr. Bingham, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 240, entitled a bill to fix the times of holding courts in the eleventh judicial circuit have had the same under consideration, and direct me to report that the third section of said bill is clearly unconstitutional, and that the same should be amended by striking out said section.

That inasmuch as the remaining provisions of said bill proposes to change the times of holding courts in said circuit, and there is some controversy among the parties to be affected thereby, the Committee ask leave to report said bill with the amendment above and recommend the same to be referred to a select committee composed of the Representatives on this floor from the several counties embraced in said circuit.

The report was concurred in, and the bill so referred.

Messrs. Hall, Fisher, Collins, Smith of Miami, Knowlton and Thompson, were appointed said committee.

Mr. Bingham, from the same Committee, made the following additional report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 301, entitled a bill to amend section fourteen of an act touching the relation of guardian and ward, approved June 9, 1852, and to confirm guardian sales of real estate heretofore made, have had the same under consideration, and direct me to return the same to this House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Newman, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred House bill No. 344, introduced by Mr. Jones of Tippecanoe, to amend section one of an act entitled "an act fixing the time for holding the Circuit Courts in the twelfth judicial circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," have had the same under consideration, and have directed me to report the same back to the House and recommend its passage with the following amendments :

Amend by striking out the word "three," in the 14th line of section one of said bill, and insert "two;" and also inserting after the word "it," in the 15th line, the following :

"In the county of Newton on the Mondays succeeding the Courts in the county of White, and hold for one week, if the business thereof shall require it."

Also, by adding at the end of the 17th line :

"All parties in said Courts, and all witnesses, jurors, officers and other persons concerned, shall take notice of this act, and all writs, notices, or other process that may have been issued or served in relation to any matter pending, or that may hereafter be pending in said Courts, before this act shall take effect, and not finally determined, are hereby made returnable to the first day of the next term of said Court after the taking effect of this act."

The report was concurred in and amendments adopted.

Bill No. 244 ordered to be engrossed.

Mr. Newman, from the same Committee, made the following additional report :

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 233: A bill to regulate the docketing and disposal of the business in the Courts of Common Pleas throughout the State of Indiana, to provide for the return of the jury in the aforesaid Courts on the first day of each term thereof; and to repeal all acts and parts of acts now in force which conflict with the provisions of this act; have had the same under consideration, and have directed me to report the same back to this House, and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Newman, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 248: "A bill to authorize the Boards of Commissioners of the several counties through which the Wabash and Erie Canal runs, to cause bridges to be built across said Canal," have had the same under consideration, and direct me to report said bill back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Parrett, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to which was referred House bills Nos. 183 and 201: bills entitled acts to create the seventeenth judicial circuit, have had the same under consideration, and direct me to report said bill back to the House with the recommendation that they be indefinitely postponed. Said Committee also direct me to report that, deeming legislation on the subject necessary, they report a bill herewith, and recommend its passage.

House bill No. 332. A bill to create the seventeenth judicial circuit, to provide for the election and appointment of a Judge thereof, to provide for the holding the terms of courts in the tenth and sev-

enteenth judicial circuits, and to provide for the election and appointment of a prosecuting attorney in said tenth judicial circuit, and declaring an emergency for the immediate taking effect of this act.

Was read the first time and passed to a second reading.

Mr. Moody, from the Committee on Swamp Lands, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred the resolution for the appointment of a committee to inquire into the alleged frauds upon the swamp land fund, with power to send for persons and papers, beg leave to report that the fact of such frauds having been committed is notorious, and in their opinion not doubted by any person in the State. Your Committee became convinced at an early day in the session, that in consequence of the fact that such frauds had been so extensive, covering such a length of time, and over such an extent of country, it would be altogether impossible for a committee, during the short time to which we are limited, to make, during the session, such a thorough investigation as the great interest in the matter demands, and further that the expense of bringing to Indianapolis the witnesses, and books, and papers necessary to such thorough investigation would be very large, and one that could be avoided. Your Committee are of the opinion that such investigation is imperatively demanded both for the honor and interest of the State, and that it is the duty of this General Assembly to provide for it. They therefore recommend that a joint select committee of three be appointed: two from the House and one from the Senate, whose duty it shall be to make such investigation, and that they be authorized to hold sessions during vacation, and at the county-seats of those counties in which the frauds have been committed, and herewith report a series of resolutions to carry out such recommendations.

A concurrent resolution providing for the appointment of a joint select committee to investigate the frauds upon the swamp land fund:

Be it Resolved, (the Senate concurring,) That a joint select committee of three be appointed, two on the part of the House and one on the part of the Senate, whose duty it shall be to inquire into the management of the swamp land fund, and to investigate the alleged frauds committed upon such funds. That said committee shall have power to hold their sessions during the vacation and at the city of Indianapolis, or at the county-seats of the several counties in which frauds are alleged to have been committed, as they may deem advisable, and that they have power to send for persons and papers, and to compel the attendance of witnesses and the production of

such books and papers as they may deem essential to the full investigation of the alleged frauds.

Be it further Resolved, That whenever said committee shall complete the investigation in any county, that they thereupon make report of their proceedings in the premises, and of the testimony to the Governor, and whenever they, after such investigation, shall conclude that a recovery may be had in any instance, that they report such conclusion, together with the facts, to the Governor, who shall thereupon direct the Attorney General to bring the suit against the parties.

Be it further Resolved, That the committee shall have the power to employ a clerk and a messenger, who shall each receive three dollars per day for each day they shall be actually engaged in the discharge of their duties to be certified by the chairman of said committee.

Mr. Bundy moved that the report and resolutions be laid on the table and made the special order of the day for Monday next at 2 o'clock.

On motion by Mr. Bundy,
The House adjourned until to-morrow morning 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
March 1, 1861.

The House met.

On motion by Mr. Jenkinson,
The reading of the journal was dispensed with.

Mr. Jenkinson moved to suspend the order of business and take up House bill No 221, and refer the same to the Committee on the Judiciary.

Which was not agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of H. C. Carter, for ropes cut up and used for splicing ladders and fastening the same to the dome of the Capitol, and for ladders cut and used, and other services rendered necessary to the raising of the national flag to the dome of the Capitol, amounting to twenty-one dollars have had the same under consideration, and recommend that the same be allowed, and that the Committee of Ways and Means be instructed to provide for the payment of the same in the specific appropriation bill.

The report was concurred in and referred to the Committee on Ways and Means.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of George Savitz for fees as witness before the Bank Investigating Committee of the Senate, 1857, have had the same under consideration, and by reference to the journal of said Committee, we find that said claim was ordered to be allowed, but was accidentally omitted by the Engrossing Clerk in engrossing the specific appropriation bill, and recommend that the same be allowed, and that the Committee of Ways and Means be instructed to provide for the payment of the same in the specific appropriation bill.

Report concurred in and the claim referred to the Committee of Ways and Means.

Mr. Sloan, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of N. F. Cunningham for forty dollars, paid by him as Treasurer of State to John Sawyers, who represented himself as Clerk of the House Committee on Swamp Lands for the session of 1859, presenting a forged certificate from the chairman of said Committee on Swamp

Lands, have had the same under consideration, and are of opinion that a certificate from the chairman of a committee only was not a sufficient warrant for the payment of any claim, and recommend that the claim be not allowed.

Which was concurred in.

Mr. Gresham, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Military Affairs, to whom was referred House bill No. 146, have had the same under consideration, and have instructed me to report the same back to the House and recommend its indefinite postponement.

Which was concurred in.

Mr. Dobbins moved to reconsider the vote concurring in the report of the Committee on Claims disallowing the claim of Andrew J. Gray.

Which was agreed to.

The claim was then referred to the Committee on Claims.

Mr. Hurd, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred the petition of S. H. Floyd, asking for the passage of a law to protect the rights of property, to punish larceny and trespass, &c., by entering enclosed fields, and various other grievances complained of, have had the same under consideration, and are of the opinion that the laws now on the statute book are amply sufficient to give all necessary protection, and therefore have instructed me to report the same back and recommend that said petition lay on the table.

The report was concurred in and the petition laid on the table.

Mr. Lee, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred

House bill No. 284, have had the same under consideration, and a majority of the Committee have directed me to report the bill back to the House, and recommend that it lay on the table.

The report was concurred in, and the bill laid on the table.

Mr. Lee, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on the Rights and Privileges of the Inhabitants of this State, to whom was referred House bill No. 279, an act supplemental to an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857, have had the same under consideration, and instruct me to report the same back, recommending its passage.

Mr. Stotsenburg moved to amend as follows, to-wit:

Amend by inserting "enclosed improved premises."
Which was agreed to.

The question being on concurring in the report, and ordering the bill to be engrossed,

Messrs. Atkinson and Heffren demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Cason, Collins of Whitley, Combs, Coopridger, Dashiell, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, For-dyce, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Haworth, Henricks, Holcomb, Hopkins, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Knowlton, Lane, Lee, McLean, Moody, Moorman, Mutz, Nebeker, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Warrum, Wilson, Woodhull, Woods and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Bingham, Black, Brett, Campbell, Collins of Adams, Crain, Davis, Dobbins, Fleming, Ford, Goar, Hayes, Heffren, Horton, Hudson, Kitchen, Lods, Lightner, McClurg, Moss, Newman, Owens, Prosser, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Stotsenburg, Trier, Underwood, and Wells—32.

So the report was concurred in, and the bill ordered to be engrossed.

Mr. Sherman, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 270, "an act to amend the 467th section of an act to revise, simplify and abridge the rules, practice, pleadings and forms, in civil cases, in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," have had the same under consideration, and direct me to make the following report:

Amend by striking out the words "the largest," in 36th line, and insert "a general," and when so amended, recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Smith of Bartholomew, from the Committee on Rights and Privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 290—a bill to amend an act for the better protection of religious meetings, agricultural fairs and other lawful assemblages of the people, approved March 3, 1859—have had the same under consideration and instruct me to report the same to the House with the following amendment, and when so amended to recommend its passage:

After the words "approved March 3, 1859," insert the following words: "Which reads as follows, to-wit."

The report was concurred in and amendments adopted.

The bill was then ordered to be engrossed.

Mr. Wells, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 193, introduced by Mr. Anderson, have had the same under consideration and directed me to report the same back and recommend its passage, with the following amendments to section six of said bill:

Add to said section—"But no person shall be required to work more than two days in each year unless in case of the obstruction of highways or other emergency rendering it necessary, in which case he shall be allowed a credit upon any subsequent liability for the amount of such extra work."

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 16—a bill to provide for refunding saline funds to persons who have erroneously paid the same to the treasurer of such funds—have had the same under consideration and have directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Frasier, from the same committee, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 180—a bill to amend section seventeen of an act to provide against the consequences ensuing from the destruction of books, records, &c.—have had the same under consideration and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Jones of Wayne, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was

referred House bill No. 312—proposing to amend section nineteen of an act entitled “an act to provide for a more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act,” approved February 18, 1859—have had the same under consideration and have unanimously recommended me to report that further legislation upon that subject is inexpedient.

Which was concurred in and the bill laid on the table.

Mr. Black from the Committee on Claims, obtained leave and made the following report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the claim of John McFadden, sr., of Scott county, for eighty-seven dollars, the amount expended in arresting and trying James G. Bell on an indictment for grand larceny, have had the same under consideration and have directed me to report the said claim back and recommend that it be laid on the table.

Mr. Davis, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred the petitions of George L. Eisman, F. S. Riggs, and others, on the subject of dogs direct me to report them back to the House and request that they be laid on the table, as the subject has been acted on.

The report was concurred in and petitions laid on the table.

Mr. Moorman, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Agricultural Committee, to whom was referred House bill No. 219—a bill to amend section first of an act entitled “an act for the regulation of weights and measures,” approved January 9, 1852, approved February 28, 1855—have had the same under consideration and have instructed me to report that in their opinion further legislation on the subject is inexpedient at this time, and would, therefore, recommend that said bill be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Turner, from the same committee, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred House bill No. 223—a bill authorizing any person, when necessary, to enter upon the lands of another and cut a ditch, and providing for the assessment of damages occasioned thereby—have had the same under consideration and have instructed me to report the bill back to the House and recommend that it be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

Mr. Thompson, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Committee on Agriculture, to whom was referred resolution of the House, No. 9, have had the same under consideration, and in view of the present embarrassed condition of the state of our finances, and from the best information your Committee can arrive at, it will cost the State fifteen thousand dollars, exclusive of interest, house rent, and other incidental expenses, to purchase the geological, mineralogical cabinet, and chemical, philosophical apparatus belonging to the estate of the late Dr. David Dale Owen. The Committee have therefore unanimously instructed me to report that it is inexpedient and impolitic, at this time, to legislate thereon.

The report was concurred in.

Mr. Thompson, from the same Committee, made the following report :

MR. SPEAKER :

The Agricultural Committee, to whom was referred House bill No. 256, an act to secure the collection of rents in certain cases therein named, and to enable persons of small means to rent lands without giving personal or other security therefor, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage, without amendment.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Thompson, from the Committee on Agriculture, made the following report :

MR. SPEAKER:

The Agricultural Committee, to whom was referred Senate bill No. 16, a bill requiring township assessors to ascertain the number of sheep killed and injured by dogs, have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

The bill was read a second time and passed to a third reading.

Mr. Thompson, from the Committee on Agriculture, made the following report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred the petition of A. B. Price, Edmund W. Palmer and others, concerning the protection of sheep from dogs, have had the same under consideration and instructed me to report the same back to the House, and recommend the same to be laid on the table, the Committee having previously reported on the same subject.

Which was concurred in, and the petition laid on the table.

Mr. Thompson, from the same Committee, made the following report:

MR. SPEAKER:

The Committee on Agriculture, would report that House bill No. 176, introduced by Mr. Anderson, entitled "a bill to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep by dogs," which was recommitted to said Committee, has been carefully reconsidered, and the return said bill with the following amendments, to-wit:

Strike out all after the word "and," in the 14th line of the second section, and insert the following: "Every dog not licensed under the provisions of this act, is hereby declared a nuisance, and it shall be lawful to kill any such dog, when found off the premises, or out of the presence of the owner."

Strike out all of section 10, and insert:

"Any person who shall kill or injure any dog licensed under the provisions of this act, unless such dog be found unlawfully chasing, worrying, or injuring sheep or other domestic animals, or in other mischief, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than \$5,00, nor more than \$50,00, and he

shall be liable to the owner, in an action, for the amount of damage or injury sustained."

The effect of said amendment, is to change all that part of the bill which makes it a misdemeanor to keep unlicensed dogs, and substitutes the provision declaring unlicensed dogs a nuisance, and when so amended, the Committee recommend its passage.

Mr. Polk moved to concur in the report, with the following amendment:

Amend by requiring only "ten cents for license for the first dog."

Mr. Bundy moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on adopting the amendment offered by Mr. Polk.

It was not agreed to.

The question recurring on the motion to concur in the report of the Committee.

It was agreed to, the report concurred in, and the bill ordered to be engrossed.

Mr. Ferguson moved to consider the bill as engrossed and read a third time now.

Which was agreed to.

House bill No. 176 was then read the third time.

Mr. Allen, by unanimous consent, offered the following:

Amend by striking out the words "female dog" wherever they occur and insert the word "bitch."

Which was adopted.

Mr. Stotsenburg, by unanimous consent, offered the following amendment:

"But nothing in this act shall be so construed as to prohibit the common councils of cities and authorities of towns from levying a specific tax on dogs as now provided by law.

Which was adopted.

Mr. Gresham moved the previous question.

Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Boydston, Branham, Bundy, Burgess, Cameron, Campbell, Cason, Collins, of Whitley, Cooprer, Crain, Dashiell, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gore, Gresham, Grover, Hall, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, McClurg, McLean, Moorman, Nebeker, Newman, Parrett, Randall, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wilson, Woodhull and Woods—58.

Those who voted in the negative were,

Messrs. Anderson, Black, Brett, Bryan, Collins of Adams, Davis, Dobbins, Epperson, Fleming, Ford, Gifford, Haworth, Hayes, Hefren, Holcomb, Howard, Knowlton, Lods, Moody, Mutz, Pitts, Polk, Prosser, Prow, Ragan, Robbins, Smith of Bartholomew, Stevenson and Mr. Speaker—29.

So the bill passed.

Mr. Bundy moved to amend the title by “declaring unlicensed dogs nuisances, and declaring under what circumstances they may be killed, and prescribing a punishment for killing licensed dogs.

Which was agreed to.

Mr. Stotsenburg offered the following amendment to the title :

“And to provide penalties for the violation of any provisions of said act by officers or others.”

Which was agreed to.

Mr. Allen moved to further amend the title by adding:

“And for the protection of the sheep at the expense of the canine race.”

On motion by Mr. Prosser,
The amendment was laid on the table.

The title as amended was then adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Anderson presented the following protest :

The bill as it came up the other day, provided for protection of the sheep-growing interest of the State, and failed only for want of a constitutional majority. The bill was recommitted, with slight amendments, to the Committee to whom it was recommitted. The Agricultural Committee agreed to report the bill back without the amendments and recommend its passage. Unceasing and untiring efforts have been made upon that Committee to change their report, and report certain amendments and recommend their passage; the amendments being adopted, the effect of which makes the law a nullity, and in my opinion the whole thing a nuisance; I therefore vote No.

NOAH ANDERSON.

Mr. Cameron, chairman of the Committee on Benevolent Institutions, made the following report :

MR. SPEAKER :

The Committee on Benevolent Institutions, to whom was referred a resolution of the House, directing them to inquire into the expediency of establishing in this State an Institution for the care and education of idiots or imbecile persons, have had the same under consideration, and have directed me to report as follows :

The State provides for the care and treatment of the insane, for the education of the deaf and dumb and the blind; but for idiots, the lowest in the scale of humanity, no provision has yet been made. In our school system this only link is wanting to embrace all the children of the State. As a class they are more numerous than either the deaf and dumb or the blind, but not so hopeless of elevation and instruction as either of them were a hundred years ago. Schools expressly for them have been established in some of the States, and methods of training and instruction have been devised by which their dormant intellects can be aroused to activity, their feeble and irregular mental powers regulated and strengthened; their filthy, gluttonous, and debasing habits eradicated; their senses cultivated; their muscular system developed; in a word, be taught to read, write and cipher, to keep themselves clean and tidy, and to behave like other children. Of the practicability of educating and restoring to usefulness and society many of this class of persons there can no longer be any doubt. The State of Massachusetts, in 1848, appropriated \$7,500 for the purpose of testing the utility and practicability of teaching and training idiots. On a trial of three years the result was so satisfactory that the Legislature made permanent provision

for the school, and it is now in successful operation. Other States also have tested the matter effectually. New York, Pennsylvania, Ohio and Kentucky have each established and are maintaining Institutions for this class of persons.

But while the Committee are convinced of the feasibility and utility of educating this class of persons, and are strongly impressed with the conviction that measures should be taken at as early a day as possible to alleviate their misfortune; yet the fact staring them in the face that the benevolent institutions already begun are not yet completed, and the embarrassed state of the finances, demand that no new enterprises of the kind should be entered upon at present.

Your Committee, therefore, beg leave to report that it is inexpedient at present to legislate in the premises.

Which was concurred in and the resolution laid on the table.

Mr. Cameron, chairman of the Committee on Benevolent Institutions, made the following report:

MR. SPEAKER:

Your committee, to whom was referred the petition of J. C. Kennedy, asking that a special act be passed which would enable him to remove his wife, now confined in the lunatic asylum of Southern Ohio, to the Indiana Hospital for the Insane, have had the same under consideration and direct me to report that such legislation would be inexpedient and improper.

Which was concurred in and the petition laid on the table.

Mr. Jones, from the Committee on Temperance, made the following report:

MR. SPEAKER:

The Committee on Temperance, to whom was referred a memorial signed on behalf of the "Grand Division of the Sons of Temperance," by J. T. Boyd, T. A. Goodwin, Charles Secrest, C. E. Whitset and L. Abbett, praying the General Assembly of the State of Indiana to create an "asylum for inebriates and to levy a tax of five cents on the one hundred dollars for that purpose," have had the same under consideration, (and, as by a vote of this House your committee has been deemed not to be a proper committee to consider this measure, on account of supposed unfriendliness, but that it was necessary to create a select committee for that purpose.) Your committee have instructed me to report the same back to this House, and, without expressing any opinion for or against the proposed measure, recommend that said memorial be referred to the select

committee to whom was referred House bill No. 198, which committee was created for the purpose of considering this proposed benevolent measure.

Which was concurred in and the petition referred to the select committee on House bill No. 198.

Mr. Jones of Tippecanoe, from the Committee on Temperance, made the following report:

MR. SPEAKER:

The Committee on Temperance, to whom was referred a memorial presented to the General Assembly of the State of Indiana by the "Grand Division of Sons of Temperance of the State of Indiana" and signed on behalf of that order by R. T. Brown, G. W. P., praying for the "repeal of all laws on the subject of the sale of intoxicating drinks and for the passage of an act clearly defining a nuisance," have had the same under consideration, and with all respect to the intelligence and benevolent intentions of said memorialist, and to the philanthropic devotions of the members of said order to the relieving of the human race from the thralldom of intemperance, your committee have directed me to report the same back to this House and recommend that it lie upon the table, and that the law now in force, with some slight amendatory provisions, heretofore submitted and recommended by your committee be continued in force and tried for a while longer.

Which was concurred in and the petition laid on the table.

Mr. Nebeker, from the Committee on Public Expenditures, made the following report:

MR. SPEAKER:

The Committee on Public Expenditures, in the performance of their several duties, have directed me to make the following report, to-wit:

The said committee would call the attention of the General Assembly to the act entitled "an act relative to the salaries of public officers and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March the 5th, 1859, and took effect August 6th, 1859, which said act, after fixing the salaries of said officers, provides in section third as follows: "That said officers shall receive no other compensation whatever, but each shall collect and account to the Auditor of State for and pay into the State Treasury every fee, emolument, perquisite, salary and gratuity of every kind that he may receive, or that

may arrive or accrue in any manner in his official duties, or out of his official business; and each of said officers is required to keep a strict account of all moneys so received and pay the same into the State Treasury at the end of every three months."

Your committee would show that a large amount of money as perquisites and fees has been received by the late officers of State, and that no part thereof has been, by any of said officers, paid into the State Treasury as required in said section third of said act.

Your committee have reason to believe that said officers withheld the payment of said perquisites and fees into the State Treasury upon the grounds that said act or a part thereof was inoperative and void; they therefore respectfully recommend to this General Assembly that the Attorney General be directed and required by law to bring suit against officers on their official bonds, or otherwise, as he may deem advisable, in the name of the State of Indiana, to recover said fees and perquisites so that the aforesaid moneys collected by them and not paid into the State Treasury, as required by said section third; and to the accomplishment of said end they recommend the following:

Joint resolution No. 35. A joint resolution directing and requiring the Attorney General to bring suits upon the official bonds, or otherwise, against the State officers and the late State officers for the fees and perquisites by them collected and not paid into the State Treasury as required by law.

Which was read.

Mr. Hefiren moved to amend as follows:

Insert in proper place—"If the Attorney General is of opinion that the same can be collected by law."

Mr. Bundy moved to amend the amendment to the amendment as follows:

If in the opinion of the Governor and Attorney General the same can be collected.

Mr. Gresham moved to lay the pending amendments on the table. Which was agreed to.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitely, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Dobbins, Edson, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford,

Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miama, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—90.

Those who voted in the negative were,

Messrs. Davis and Stevenson.

So the resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Hurd, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 258, being "an act to amend sections 648 and 688 of an act entitled an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity, approved June 18, 1852, so as to authorize a writ of assessment of damages in certain cases," have had the same under consideration; and your committee, not being satisfied as to some points of law contained in the bill, have instructed me to report the same back and recommend that the bill be referred to the Committee on the Judiciary.

The report was concurred in.

Mr. Hurd, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 259, "a bill supplementary to an act entitled an act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise

the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1859, have had the same under consideration, and are of the opinion that it would be unwise and improper to interfere with the general law for the incorporation of cities at the present time, and have therefore instructed me to report the same back to the House, and recommend that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Hurd, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 261, "a bill to amend the sixth section of an act entitled an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical, and building purposes, approved May 20, 1852, by providing that any companies which may have been incorporated in this State, for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of their stockholders, in the same manner as is provided in said section for increasing capital stock," have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Combs, from the Committee on Corporations, made the following report:

MR. SPEAKER:

A majority of the Committee on Corporations, to whom was referred House bill No. 271, "a bill to authorize turnpike and plank road companies heretofore incorporated under any special act of the General Assembly of this State, to obtain materials for the repair thereof, from any lands adjacent thereto," have had the same under consideration, and directed me to report the same back, and that in their opinion, further legislation upon the subject is inexpedient.

On motion by Mr. Bundy,
The bill was referred to the Committee on Roads.

Mr. Erwin, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 217, entitled An act supplemental to an act entitled "an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and to prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Cooprider, from same Committee, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 218, introduced by Mr. Jones of Wayne: A bill to legalize incorporations of towns under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 11, 1852, and all by-laws, rules, regulations, and proceedings adopted in pursuance thereof, have had the same under consideration, and direct me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Erwin, from the same Committee made the following additional report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 255: A bill to enable the Board of Trustees of the Wabash and Erie Canal, with the consent of the creditors of this State whose debts are secured by said Canal, to lease said Canal, or parts thereof, for a term of years to private individuals, companies or corporations, have had the same under consideration, and direct me to report the same back to this House, and recommend that the same be re-committed to the Committee on Judiciary.

The report was concurred in, and the bill referred to the Committee on Judiciary.

Mr. Cooprider, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 264: A bill to amend the fifty-first section of an act entitled an act for the incorporation of towns, and defining the powers thereof, approved June 11, 1852, have had the same under consideration, and direct me to report the same back and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Collins, of Whitley, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 230, entitled: A bill to amend an act entitled an act to amend first section of an act authorizing the construction of plank and McAdamized and gravel roads, approved May 12, 1852, approved March 5, 1859, have had the same under consideration, and directed me to report the same back, without amendment, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Ford, from the Committee on Corporations. made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 178: A bill to amend sections two, three and fourteen of an act to amend an act entitled an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1849, have had the same under consideration, and have directed me to report the same back, and recommend that the bill and amendments thereto be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Ford, from the Committee on Corporations. made the following report:

MR. SPEAKER :

A majority of the Committee on Corporations to whom was referred House bill No. 267 : "a bill to amend the sixth section of an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852, and adding a supplemental section to said act, have had the same under consideration, and direct me to report the same back, and that in their opinion further legislation upon the subject is inexpedient.

On motion by Mr. Bundy,
House bill No. 267 was referred to the Committee on Roads.

Mr. Gifford, from the Committee of Ways and Means, made the following report :

MR. SPEAKER :

The Committee of Ways and Means, to whom was referred House bill No. 257, fixing and providing for the compensation of the members of the General Assembly, the Secretaries, Clerks, and Door-keepers thereof, have had the same under consideration, and report further action thereon inexpedient.

The report was concurred in and the bill laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Branham, from the joint select committee, who were instructed to propose a plan to liquidate the State debt, made the following report :

MR. SPEAKER :

The Joint Committee, who were instructed to propose a plan for the liquidation of the State debt, have had the subject under consideration and instruct me to report, recommending that the Commissioners of the Sinking Fund be authorized and instructed to invest the Sinking Fund in the five per cent. stock of the State; that the present levy of two cents on the hundred dollars be continued for the year one thousand eight hundred and sixty-one; and that a levy of five cents on the hundred dollars be made for each succeeding year to continue in force until the said debt is paid; and that the proceeds of said levy shall first be applied to the payment of the debt of three hundred and three thousand dollars due the common school fund.

Mr. Holcomb, from a select committee, made the following report :

MR. SPEAKER:

The select committee, to whom was referred House bill No. 150—a bill providing for the election of county surveyors, prescribing their duties and fees, and providing for appeals—have had the same under consideration and have directed me to report the same back with the accompanying amendments, and when so amended recommend its passage:

Amend section eight by inserting after the words “nearest original corners,” in the fifth line—*Provided*, The same be not on a township line; in such case the distance between the nearest original corners, as ascertained under the sixth section of this act, and said township line, and for the township in which the land to be surveyed is located, shall be proportionally divided, and such point shall be the desired corner—such township line shall be understood to be a line touching all the corners between the two townships.

Amend that part of section twenty-five that reads as follows:

“And if such court shall decide against such surveyor, it shall enter an order for a resurvey which may be made by any other surveyor whom the court may appoint, from whose decision an appeal may in like manner be had,” so as to read—

“And if such court shall decide against such surveyor, it shall enter an order for a resurvey which shall be made by three surveyors whom the court may appoint, whose decision shall be final.”

Strike out all that which relates to fees and compensation of surveyors and insert “Surveyors shall receive for their service the fees now provided by law.”

The report was concurred in and the amendments adopted.

The bill was then ordered to be engrossed.

Mr. Stotsenburg, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 153, introduced by Mr. Smith of Bartholomew, being a bill to re-establish the Second Judicial Circuit and to fix the time and length of terms of the courts therein, would respectfully represent that they have had the same under consideration and direct

me to report that in the opinion of your committee it would be inexpedient to pass said bill in its present shape, and they therefore recommend that the bill lie upon the table. The change in the present law which the bill proposes is to take Scott county out and bring Bartholomew into the second circuit.

The report was concurred in and the bill laid on the table.

Mr. McLean, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee upon the Organization of Courts, to whom was referred a resolution directing said committee to inquire into the expediency of allowing Prosecuting Attorneys for the Courts of Common Pleas the same compensation that is allowed Prosecuting Attorneys of the Circuit Courts, have had the same under consideration and have directed me to report the same back to the House and recommend no further legislation as necessary upon that subject, as there is a bill now pending before the House concerning the subject matter of said resolution, providing a salary for such Prosecuting Attorneys.

The report was concurred in and the resolution was laid upon the table.

Mr. McClurg, from the Committee on the Organization of Courts of Justice, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts of Justice, to whom was referred House bill No. 286—a bill to provide for the compensation of Judges of the Courts of Common Pleas and repealing all laws inconsistent therewith—have had the same under consideration and direct me to report it back with the following amendments:

Strike out the words "fifteen hundred dollars" in the sixth line of section first and insert "thirteen hundred dollars."

Also, to strike out the words "payable out of the State Treasury," in the last line of section first, and after the adoption of the aforesaid amendment they recommend its passage.

Mr. Holcomb moved to lay the bill and amendments on the table. Which was agreed to.

On motion by Mr. Atkinson,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Heffren, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 30, introduced by Mr. Blair—a bill to amend sections four, five, twenty, twenty-one and twenty-two of an act entitled “an act regulating general elections and prescribing the duties of officers in relation thereto,” approved June 7, 1852, and repealing sections twenty-nine and thirty of said act—have had the same under consideration and instruct me to report back to this House that, in the opinion of the said committee, further legislation upon the subject is inexpedient, and that the bill be laid on the table.

Which was concurred in and the bill laid on the table.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 252, introduced by Mr. Jenkinson, entitled “an act to amend the second section of an act entitled ‘an act incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporated name of the township, town or city in which the same is situate, authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the common council or aldermen of a city, and the trustees of an incorporated town to levy all taxes for schools and the building and repair of school houses, and to repeal all laws inconsistent with this act,’” approved March 3, 1859, have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Jenkinson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 289, introduced by Mr. Branham, entitled "a bill to provide for the investment of the Sinking Fund in Indiana "five" per cent. and "two and a half" per cent. State Stock," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 275, introduced by Mr. Bundy, entitled "a bill authorizing turnpike and plank road companies heretofore incorporated under any special act of the General Assembly of the State of Indiana to alter the time of holding the annual election for directors of such companies, and repealing all acts in conflict therewith," have had the same under consideration, and instruct me to report the same back to this House and recommend its passage.

Which was concurred in and the bill ordered to be engrossed.

Mr. Jenkinson, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 234, introduced by Mr. Atkinson, entitled "an act to amend section six of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,'" have had the same under consideration, and instruct me to report back to this House that in the opinion of said Committee further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Which was concurred in and the bill laid on the table.

Mr. Heffren, from the Committee on the Judiciary, made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 293, introduced by Mr. Heffren, entitled "a bill to amend sections fourteen and fifteen of an act entitled 'an act defining felonies, and prescribing punishment therefor,'" have had the same under consideration, and instruct me to report the same back to this House, with the following amendments, and when so amended the said Committee recommend the passage of the bill.

"Amend by striking out the first section of the bill."

Strike out in the section after the words "State Prison," the following:

"For not less than ten years, or during life;" and insert the following:

"For not less than two nor more than fourteen years."

Which was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Woodhull, from the same Committee, made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 300, introduced by Mr. Lee, entitled "a bill to amend section six of an act entitled 'an act prescribing the powers and duties of justices of the peace in State prosecutions,'" approved May 20, 1852, have had the same under consideration, and instruct me to report back to this House that in the opinion of said Committee further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

The report was concurred in, and the bill laid upon the table.

Mr. Gresham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 303, introduced by Mr. Black, entitled, "an act to amend section seven of an act entitled 'an act providing for the election of Clerks of the Circuit Court, and prescribing some of their duties,' approved

June 7, 1852, and supplemental thereto, prescribing the management and disposition of certain funds therein named, and the duties of the county auditors and treasurers therewith, and fixing the penalties for the violation of this act, and repealing all laws conflicting with this act," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Cason, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 304, entitled "a bill to provide for the salary of the Attorney General, and repealing all laws in conflict with this act," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee further legislation on the subject is inexpedient, and that the bill be laid on the table.

The report was concurred in and the bill laid on the table.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 60, introduced by Mr. Dobbins, entitled "an act providing for the deposit of bonds and freehold securities, by the several railroad companies of this State, and declaring the conditions of such bonds and freehold securities, the penalties for the violation of the provisions of this act, and giving the owners of stock killed by such railroads, a lien upon such bonds and securities," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

Mr. Dobbins moved that the bill be referred to a select committee of three.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was agreed to.

The question being on referring the bill to a select committee, It was agreed to.

Messrs. Dobbins, Brett and Bingham, were appointed said committee.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following joint resolution of the House, without amendment, to-wit:

House joint resolution No. 34. A joint resolution in relation to the publication of reports of the State Board of Agriculture.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed House bill No. 39, "an act to authorize the formation of new counties, and to change county boundaries, and to repeal all laws inconsistent therewith," and has caused a copy of the same to be filed in the office of the Secretary of State.

Mr. Edson, from the Committee on the Judiciary, made the following majority report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 196, introduced by Mr. Jenkinson, entitled "an act giving clerks of the several Circuit Courts of this State, Probate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act," have had the same under consideration, and instruct me to report back to this House, that in the opinion of a majority of said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Mr. Jenkinson, from the same Committee, made the following minority report:

MR. SPEAKER:

The undersigned member of the Judiciary Committee, begs leave to report to this House, bills Nos. 192 and 196, and recommend their passage, for the following reasons:

First. It will save one hundred thousand dollars expense to the State.

Second. It will make a more uniform legal system in the State.

Third. It will reduce litigation in the State.

For these reasons, we recommend their passage, believing it will confer a great benefit to the people of the State.

M. JENKINSON.

The question being on concurring in the majority report, and laying the bill on the table,

Mr. Gresham moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was so ordered.

The question being on concurring in the majority report of said Committee,

Messrs. Heffren and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Boydston, Brett, Brucker, Cameron, Campbell, Cason, Coopridger, Crain, Dashiel, Davis, Dobbins, Epperson, Feagler, Fisher, Fleming, Ford, Fordyce, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Heffren, Henrieks, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lightner, McClurg, Moss, Mutz, Nebeker, Newman, Prow, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, and Woodhull—54.

Those who voted in the negative were,

Messrs. Bingham, Black, Branham, Bryan, Bundy, Collins of Whitley, Collins of Adams, Combs, Erwin, Ferguson, Frasier, Grover, Holcomb, Jenkinson, Kendrick, Kitchen, Knowlton, Lods, Lee, Moor-

man, Owens, Parrett, Polk, Randall, Robbins, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum, Woods and Mr. Speaker—32.

So the majority report was concurred in, and the bill laid on the table.

Mr. Gresham, from the same Committee, made the following further majority report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 192, introduced by Mr. Jenkinson, entitled "an act to provide for the organization of Circuit Courts, the election of judges thereof, defining their powers and duties, and the jurisdiction of said Courts, and fixing the salaries of said judges, and the number of terms of said Courts, and providing for adjourned terms of said courts, and transferring the Probate business of the Common Pleas Court to the Circuit Court, and repealing all former laws on the subject," have had the same under consideration, and instruct me to report back to this House, that in the opinion of a majority of said Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Mr. Gresham moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being on concurring in the report of the Committee, and laying the bill on the table,

Messrs. Heffren and Smith of Bartholomew demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Brett, Bundy, Burgess, Cameron, Campbell, Cason, Crain, Davis, Dobbins, Epperson, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lightner, McClurg, Moody, Moss, Nebeker, Newman, Prow, Sherman, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Woodhull, and Woods—47.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Bran-

ham, Brucker, Bryan, Collins of Whitley, Collins of Adams, Combs, Coopridge, Erwin, Ferguson, Frasier, Grover, Holcomb, Hudson, Jenkinson, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Moorman, Mutz, Owens, Parrett, Polk, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Warrum, Wilson, and Mr. Speaker—44.

So the report was concurred in, and the bill laid on the table.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 258, a bill to amend sections six hundred and eighty-four, and six hundred and eighty-eight, of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity, approved June 18, 1852, so as to authorize a writ of assessment of damages in certain cases, have had the same under consideration, and direct me to report the same back to this House, and recommend its passage.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 36, introduced by Mr. Miller, entitled "a bill to amend the 49th section of an act entitled an act to provide for the opening, vacating, and change of highways," approved June 17, 1852, have had the same under consideration, and instruct me to report the same back, with the following amendments, and when so amended, recommend its passage:

Amend by striking out in the second section of said bill, all that relates to "publication in the Indianapolis Daily Journal, and Daily State Sentinel."

The report was concurred in, the amendments adopted, and the amendments ordered to be engrossed.

Mr. Bingham, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 308, introduced by Mr. Heffren, entitled "a bill providing the mode and manner of appraising real estate to be mortgaged to the school funds," have had the same under consideration and instruct me to report that in the opinion of this committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

Which was concurred in and the bill laid on the table.

Mr. Gresham, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 302, introduced by Mr. Heffren, entitled "a bill providing for the taking of the sense of the people upon the Crittenden and Border State propositions," have had the same under consideration and instruct me to report back to this House that in the opinion of the majority of said committee any action upon the subject is inexpedient, and that the bill be laid upon the table.

Mr. Crain moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on concurring in the report and laying the bill on the table,

Messrs. Heffren and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Parrett, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull, Woods, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Coopridger, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, Moss, Mutz, Owens, Polk, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, and Warrum—32.

So the report was concurred in and the bill laid on the table.

Mr. Veatch, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 322, introduced by Mr. Crain, entitled "a bill to repeal section 38 of an act entitled 'an act to provide for the incorporation of railroad companies,' approved May 11, 1852," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Crain moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No 322 was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brett, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Henrieks, Hopkins, Horton, Hudson, Hard, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Ragan, Sherman, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wilson, Woodhull and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Black, Combs, Coopridger, Dobbins, Fisher, Fleming,
H. J.—47.

Ford, Gresham, Heffren, Howard, Kitchen, Knowlton, McClurg, Moss, Mutz, Packard, Prosser, Randall, Robbins, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum and Woods
—26.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Veatch, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 174, introduced by Mr. Williams, entitled "a bill authorizing the organization of insurance companies in the State of Indiana," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Veatch, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 222, introduced by Mr. Williams, entitled "an act to provide for the organization of life insurance companies," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Gresham, from the same committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 92, introduced by Mr. Gifford, entitled "a bill prescribing the duties of clerks, justices, auditors and treasurers in reference to jury fees, fines, forfeitness and unclaimed fees, and repealing all laws in conflict therewith," have had the same under consideration and instruct me to report back to this House that in the opinion of the said committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

The report was concurred in and the bill laid upon the table.

Mr. Cason, from the Judiciary Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 250: To enable railroad companies incorporated under the general railroad law of May 11, A. D. 1852, that have gone on to construct their roads but have failed to complete the same within the time specified in said law, to enjoy the privileges of their charter, and to complete or abandon the remainder, and to enable railroad companies to extend their lines of railroad, and also to extend the time to complete railroads, have had the same under consideration, and instruct me to report the same back and recommend its passage, with the following amendment:

Amend by adding to section three:

Provided, Nothing contained in this act shall revive or renew any railroad charter, or extend the time of the completion of any railroad that has heretofore forfeited their charter by any act of non-feasance, non-usur, or by any other act, or in any other way or manner whatever, nor shall anything in this act contained operate to dismiss any action at law now commenced by *quo warranto*, or otherwise to declare charters and franchises of said roads forfeited, and to annul and to wind up said incorporation in accordance to law.

The report was concurred in, and the amendment adopted.

The bill was ordered to be engrossed.

Mr. Cason, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 175, introduced by Mr. Slack, entitled: A bill to amend section forty-two of an act entitled "an act to establish Courts of Common Pleas and defining the jurisdiction and duties of and providing compensation for the Judges thereof," approved May 14, 1853 so as to regulate the docketing and disposal of the business thereof, and the act amendatory thereto, approved March 5, 1859, have had the same under consideration, and instruct me to report the same back, with the following amendment, and when so amended the said Committee recommend its passage:

Amend by adding at the end of section one of said bill the following words, to-wit:

"The Court of Common Pleas shall have power to make rules, directing in what order business shall be docketed and disposed of, and upon what day of the term the jury shall be summoned."

The report was concurred in, the amendment adopted, and ordered to be engrossed.

Mr. Woodhull, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 313, entitled "a bill to provide for the mode and manner of electing United States Senators," have had the same under consideration, and instruct me to report the same back to this House, with the following amendment, and recommend its passage:

"Insert section second, line third, after the word Convention: *Provided*, that in the absence of the President of the Senate, the Joint Convention may, on motion, elect a President *pro tem*."

On motion by Mr. Veatch,

The report of the Committee was laid on the table, and made the special order for to-morrow at 10 o'clock A. M.

Mr. Branham, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred House bill No. 242, providing for enclosing the Tippecanoe Battle Ground, and making an appropriation therefor, have had the same under consideration, and instruct me to report the bill back to the House and recommend to strike out all after the enacting clause, and insert the following bill in lieu thereof:

That the Board of Commissioners of Tippecanoe county be and they are hereby authorized and instructed to cause to be erected a permanent and substantial iron fence upon a stone foundation around that portion of the Tippecanoe Battle Ground heretofore enclosed by a wooden fence, *provided*, said fence can be constructed at a cost of not more than six thousand dollars, including all expenses attending the same.

SEC. —. The said Board of Commissioners of Tippecanoe county, shall be authorized, when the said fence shall be entirely completed,

to draw their order on the Auditor of State for the cost of the same, which order shall not be payable before the first day of May, in the year one thousand eight hundred and sixty-two.

SEC. —. Any person who shall destroy or injure any portion of said fence, or any shrubbery, timber, monument or decoration in said grounds, shall, upon conviction, be fined in any sum not exceeding five hundred dollars, to which may be added imprisonment in the county jail not exceeding six months.

SEC. 4. The Board of Commissioners of Tippecanoe county shall be and are hereby constituted the perpetual guardians and supervisors of the said Tippecanoe Battle Ground, with power to carry out the provisions of section three of this act, at the expense of the said county of Tippecanoe.

The report was concurred in the amendments adopted, and the bill ordered to be engrossed.

Mr. Jones of Wayne, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred resolution No. 18, instructing the committee to inquire into the expediency of extending the time for the collection of taxes, have had the same under consideration and report further action thereon inexpedient.

Mr. Fisher, from the Committee on Banks, made the following report:

MR. SPEAKER:

The Committee on Banks, to whom was referred House bill No. 269—a bill supplemental to an act passed March 3, 1855, entitled "an act to establish a bank with branches"—have had said bill under consideration and direct me to report it back and recommend its passage.

The report of the committee concurred in and the bill ordered to be engrossed.

Mr. Stotsenburg moved to reconsider vote on the passage of House bill No. 176.

Mr. Bundy moved to lay the motion to reconsider on the table. Which was agreed to.

Mr. Gresham moved to take from the table House bill No. 195, and place the same on file.

Which was agreed to.

Mr. Knowlton moved to take up House bill No. 202 and refer the same to a select committee.

Which was agreed to.

Mr. Newman, from the Committee on the Organization of Courts, made the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 251, introduced by Mr. Goar, entitled a bill to amend section fourteen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable at such terms; declaring when this act shall take effect, and repealing all laws inconsistent therewith," have had the same under consideration and have directed me to report said bill back to the House and recommend its passage, with the following amendment:

Strike out the word "June," in the twelfth line, and insert "July."

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Anderson, from the Committee on engrossed bills, made the following report:

MR. SPEAKER:

The committee on engrossed bills have examined engrossed House bills Nos. 244, 248, 270, 233, 176, 16 and 180, and find them correctly reported.

Mr. Thomas obtained leave and introduced the following resolution:

Resolved, That we meet hereafter at 8 o'clock A. M. and 2 o'clock P. M.

Which was laid over under the rule.

On motion by Mr. Stotsenburg,
The House adjourned till to-morrow morning at 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
 March 2, 1861. }

The House met.

On motion by Mr. Gifford,
 The reading of the Journal was dispensed with.

BILLS ON THIRD READING.

House bill No. 87. A bill exempting all parsonages from taxation, and repealing all laws, or parts of laws, in conflict with this act.

Was read a third time, and,

On motion by Mr. Ragan,
 Laid on the table.

Senate bill No. 31. A bill to authorize and regulate the sale of, and to perfect the title of purchasers of railroads sold by foreclosure, or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate and other powers, and to legalize sales of railroads heretofore made."

Was read a third time, with engrossed amendments of House.

By unanimous consent, the amendment to the title was withdrawn.

Mr. Nebeker moved to recommit the bill to the Committee on Corporations, with instructions to so amend the second section of the bill, as to provide that such corporations shall assume all debts or liabilities of the corporation which owned the said railroad before the sale; and in like manner to make such adjustment with all stockholders of the said last mentioned corporation.

On motion by Mr. Heffren,

The motion to recommit with instructions, was laid on the table.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Frasier, Gifford, Gresham, Gro-

ver, Hall, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, McClurg, McLean, Moorman, Mutz, Newman, Orr, Owens, Packard, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, War-run, Wells, Wilson, Woodhull, Woods and Mr. Speaker—76.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Combs, Fraley, Goar, Lightner, Moss, Nebeker, Parrett, Pitts, Polk, and Stotsenburg—12.

So the bill passed.

Mr. Crain moved to amend the title as follows:

A bill to legalize, authorize and regulate the sale of, and to perfect the title of purchasers of railroads heretofore sold or hereafter to be sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate or other powers, to provide for the payment of stock injured by such corporations, and also to provide for the payment of ticket and freight balances.

Which was agreed to.

The title as amended was then adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 82. A bill to amend the seventh section of an act entitled "an act to incorporate the South Bend Manufacturing Company, and to repeal the ninth section of the same," approved December 28, 1842.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins, of Adams, Combs, Coopridier, Crain, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Vermillion,

Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

SPECIAL ORDER.

The hour having arrived for the special order of the day, the House proceeded to the consideration of

House bill No. 313. A bill to provide for the mode and manner of electing United States Senators.

Which was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Ferguson, Fisher, Fleming, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffern, Henriks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Kowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Woodhull, Woods and Mr. Speaker—86.

Those who voted in the negative were,

Messrs. Boydston, Fraley and Stotsenburg—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

UNFINISHED BUSINESS.

No. 122. A bill to organize a judicial district composed of the counties of Vermillion, Parke and Putnam, providing for the appointment and election of a Judge and District Attorney therefor, fixing the time of commencement and duration of the terms thereof, making all writs, subpoenas, venires, rules, and orders of court, reports, recognisances, publications, and processes whatever, returnable thereto, and declaring when and how the same shall take effect.

Was taken up, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Cason, Collins of Whitley, Collins of Adams, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Fisher, Fordyce, Fraley, Frasier, Gresham, Grover, Hall, Haworth, Heffren, Horton, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, McClurg, Moody, Moss, Newman, Owens, Packard, Parrett, Prosser, Prow, Randall, Roberts, Sherman, Smith of Miami, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Black, Campbell, Combs, Coopridger, Erwin, Ferguson, Fleming, Gifford, Goar, Hayes, Henricks, Holcomb, Hopkins, Howard, Kitchen, Knowlton, Lods, Lane, Lightner, McLean, Moorman, Nebeker, Pitts, Polk, Ragan, Robbins, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood and Wilson—33.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Gresham moved to suspend the order of business and take up House bill No. 105.

Which was not agreed to.

No. 97. A bill to amend the sixth and seventh sections of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of Courts incident thereto," approved March 13, 1852, and to repeal all laws in conflict with this act.

Was taken up.

Mr. Jenkinson moved to reconsider the vote by which the bill was ordered to be engrossed.

Which was agreed to.

On motion by Mr. Jenkinson,
The bill was recommitted to the Committee on the Judiciary.

House bill No. 91. A bill to amend an act, approved Jan. 27, 1847, entitled "an act to amend an act entitled 'an act to incorporate the Eel River Seminary Society,' " approved Jan. 1, 1829, and for other purposes, to amend the second section of said act, to repeal the third, fifth and eighth sections, to clothe said society with additional powers, to provide for the increase of stockholders, the election of five trustees, as sole managers of the affairs of said Society, and their term of office, and the effect of a failure to elect and to confirm the act of the Board of Commissioners of Cass county, in releasing to the stockholders of said Society all the interest of said county in the Society's property and revenues, and releasing all claim of the State thereto, and releasing the Corporation from the operation of the act requiring the sale of County Seminaries, and legalizing the proceedings of said Corporation.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brett, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—81.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

No. 89. A bill to amend the ninth section of an act entitled "an act to amend an act to authorize and regulate the business of Gen-

eral Banking in the State of Indiana so as to make a copy of the certificate of the Auditor of State a sufficient cause of action, and the certificate itself *prima facie* evidence in suits against banking associations and the stockholders thereof, or either or any of them, in certain cases therein named.

Was read a third time.

Mr. Stotsenburg, by unanimous consent, moved to amend the bill by striking out "any auditor" and inserting instead "the auditor."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Branham, Brett, Brucker, Bryan, Bundy, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, McLean, Moody, Moorman, Moss, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Hayes and Lightner.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 96. A bill to repeal sections two, three, four and five, and supplemental thereto of an act entitled "an act to provide for locating and working highways situated upon county lines," approved March 3, 1859.

On motion by Mr. Black,
The bill was laid on the table.

No. 72. A bill for the recovery of personal property, providing

for an execution against the body, and repealing all laws in conflict therewith.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Dashiell, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Haworth, Hayes, Hendricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McClurg, McLean, Moody, Moorman, Moss, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—83.

Those who voted in the negative were,

Messrs. Heffren and Nebeker.

So the bill passed.

Order 1. That the Clerk inform the Senate thereof.

No. 155. A bill fixing the time of holding the Circuit Courts in the Thirteenth Judicial Circuit, regulating the length of terms thereof, and repealing all laws inconsistent therewith.

Was read a third time, and,

On motion by Mr. Bundy.

Laid on the table.

Senate bill No. 29. A bill to amend section fourteen of an act entitled "an act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Boydston, Bundy, Burgess, Cameron,

Cason, Collins of Whitley, Collins of Adams, Coopridger, Dashiell, Davis, Epperson, Feagler, Fisher, Fordyce, Frasier, Grover, Haworth, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Bingham, Black, Branham, Brett, Bryan, Combs, Ferguson, Fleming, Ford, Fraley, Gifford, Goar, Gresham, Hayes, Heffren, Horton, Kitchen, Lods, McClurg and Moss—21.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 159. A bill declaring it to be a misdemeanor to leave open gates and let down fences, or destroy cattle guards along the lines of railroads, and providing the penalty therefor.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Bingham, Dobbins, Gresham, Heffren, Moody, Prosser, Stotsenburg and Trier—8.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 12. A bill to amend the sixteenth section of an act entitled "an act touching the relation of guardian and ward."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Brett, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Dashiell, Davis, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Branham, Epperson, Ferguson, Kitchen and Lods—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 24. A bill to amend the sixth section of an act entitled "an act for the encouragement of agriculture," approved Feb. 17, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan,

Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Anderson and Horton—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Dobbins obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 60—A bill to deposit bonds and freehold securities by the several railroad companies of the State, and declaring the condition of such bonds and freehold securities, and providing penalties for the violation of this act, have had the same under consideration, and have instructed me to report the same back to the House, and amend by striking out all after the enacting clause, and insert the following, and when so amended the Committee recommend its passage:

SEC. —. That whenever any animal or animals shall be killed or injured by the cars or locomotive, or other carriages used on any railroad in this State, the owner thereof shall have his or her right of action for the recovery of the value of the animal or animals destroyed or injury inflicted, without regard to the question whether such injury or destruction was the result of willful misconduct or negligence, or the result of unavoidable accident, and such owner may bring his or her action before any justice of the peace, Circuit Court or Court of Common Pleas, in the county in which such injury occurred, and in case such action is brought before a justice of the peace, such justice shall fix a day to hear said complaint, and shall cause at least ten days' notice to be served on the railroad company defendant, by service of summons by copy on any conductor of any train passing through said county, and in case suit shall be brought before the Circuit Court or Court of Common Pleas summons may be served by the sheriff by copy in like manner, upon any conductor of any train passing through said county.

SEC. —. This act shall not apply to any railroad company for the killing or injury of any animal or animals at any point on any railroad when the same is securely fenced in, and such fence is properly maintained by such company, but shall apply to all points on any railroad where the same is not securely fenced in, and the fence properly maintained, whether it be at the crossing of a public high-

way, street, alley, or any other place not securely fenced in, and properly maintained on any railroad.

SEC. —. Whenever any stock or other property shall be killed or injured by the cars, locomotives, or other machinery of any railroad company, at the crossing of any street, alley or highway, when the same cannot be fenced, the said company shall be liable for two-thirds of the value of such property killed or the injury done, but if, on suit brought to recover the value of such stock killed or property injured, it shall be made to appear that the injury resulted from the carelessness or neglect of the railroad company or its agents, then the plaintiff shall recover the full value of such stock killed or property injured.

SEC. —. That all judgments rendered after the passage and taking effect of this act, against any railroad company in the courts of record in this State, and executions issued from justices' dockets, shall be liens on any property thereafter acquired by or in the possession of said railroad companies, real or personal, except the franchises of said companies, from the rendition thereof, and from the issuing of execution from justices' dockets.

SEC. —. Hereafter, when, for any reason, any railroad and the rolling stock of any railroad company shall pass into the hands of any trustee, by whatever name known, and shall be run, managed, or operated by any such trustee or his agents, the trust funds and property thus held by said trustee, except the franchises of said railroad, shall be liable in his hands for all damages recovered against such companies for stock killed or injured by them, and for the current debts created by said trustee for the running expenses of such railroads, to be paid under the law, according to priorities and the equity of the case.

SEC. —. All actions brought under the provisions of this act shall be governed by the same rules as to jurisdiction, and the taxation, of costs, so far as relates to the amount in controversy, as govern in other civil actions, so far as the same are applicable.

SEC. —. All laws and parts of laws in conflict with the provisions of this act are hereby repealed, but such repeal shall not affect any action instituted to recover damages by virtue of any such laws.

SEC. —. It is hereby declared that an emergency exists for the immediate taking effect of this act; it is therefore enacted that this act shall be in force from and after its passage.

The report was concurred in, the amendments adopted, and ordered to be engrossed.

H. J.—48.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed bills have examined and compared engrossed House bill No. 193, and engrossed amendment of House to Senate bill, and find them correctly engrossed.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills, have examined and compared engrossed House bills Nos. 242, 279, 252, 261 and 275 with the originals, and find them correctly engrossed.

On motion by Mr. Parrett,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Mr. Bundy moved to take up bills on second reading.
Which was agreed to.

Senate bill No. 107. A bill for the relief of the heirs of Michael O'Brien, deceased.

Was read a second time.

Mr. Davis moved to strike out all that relates to publication in the Indiana State Journal and State Sentinel.

Which was agreed to.

By unanimous consent,
Mr. Cameron offered the following:

Resolved, That a committee be appointed to audit the bills sent in for the expenses of the reception of Hon. Abraham Lincoln, and report with the amount so loaned.

Which was adopted.

The Speaker appointed the following the Committee :

Messrs. Haworth, Turner and Brett.

Senate bill No. 20. A bill supplemental to an act entitled "an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof," approved March 5, 1859, providing for appeals in the case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such applications under the provisions thereof, and to make trial by jury in suits in relation thereto final.

Was read the second time, and referred to the Committee on Temperance.

Senate bill No. 57. A bill to amend the first section of "an act to provide for the valuation and appraisement of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to legalize the actions of Boards of County Commissioners in regard to the levying of poll taxes for county purposes, and declaring an emergency for the immediate taking effect of this act.

Was read a second time.

Mr. Davis offered the following amendment :

"Strike out all that part that requires the publication in the Journal and Sentinel."

Which was adopted.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof, without amendment, to-wit:

House bill No. 140. A bill to authorize the President of the Board of Sinking Fund Commissioners to make deeds and satisfy mortgages in certain cases therein named.

House bill No. 161. A bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys."

Mr. Anderson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined engrossed amendment of the House to Senate bill No. 36, and find it correctly engrossed.

Mr. Anderson, from the Committee on engrossed bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined and compared with the originals House bills Nos. 251, 269, 256, 218, 293 and 303 and find them correctly engrossed.

Senate bill No. 65. A bill to dispense with the selecting and summoning a petit jury for Courts of Common Pleas where the business does not require it.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 7. A bill supplemental to "an act concerning real property and the alienation thereof," approved May 6, 1852.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gore, Gresham, Hall, Haworth,

Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McClurg, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Roberts, Sherman, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—79.

Mr. Sloan voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate of the passage of the same.

On motion by Mr. Black,
House bill No. 48 was taken from the table and placed upon the files.

Senate bill No. 73. A bill to amend an act entitled "an act to authorize county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to legalize purchases heretofore made.

Was read a second time and passed to a third reading.

Senate bill No. 76. A bill to legalize the listing and assessment of property in the cities of this State, and the making out of the tax duplicates of such cities, and to authorize the treasurers and collectors of such cities to collect taxes in certain cases.

Was read a second time and referred to the Committee on the Judiciary.

Mr. Fleming asked and obtained leave of absence till the close of the session.

Senate bill No. 82. A bill to repeal an act to amend the one hundred and forty-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, approved March 4, 1859.

Was read a second time and referred to the Committee on County and Township Business.

Senate bill No. 88. A bill to amend section seventy-one of an act entitled "an act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 96. A bill relating to judgments upon instruments of writing, containing a promise to pay money without relief from appraisement laws.

Was read a second time, and,

On motion by Mr. Bundy,

Was laid on the table.

Senate bill No. 93. A bill to amend section seven of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1850, so as to change the times of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect.

Was read a second time.

Mr. Bundy moved to amend by striking out all that requires publication in the *Journal and Sentinel*.

Which was agreed to.

The bill was, on motion, referred to a select committee, consisting of Messrs. Ford, Prosser and Smith of Bartholomew.

Senate bill No. 81. A bill to amend the fifty-first section of "an act defining misdemeanors and prescribing punishment therefor," approved January 14, 1852.

Was read a second time.

On motion by Mr. Jenkinson,

The bill was laid on the table.

Senate bill No. 99. A bill to repeal section seventy-three of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana: for the election of township assessors, and to prescribe the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State; approved June 21, 1852.

Was read a second time.

On motion by Mr. Frasier.

The bill was referred to the Committee on County and Township Business.

Senate bill No. 101. A bill to amend section one hundred and sixty-eight of an act to provide for the valuation of real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time and referred to the Committee on County and Township Business.

Senate bill No. 98. A bill to amend the thirteenth section of an act entitled "an act providing for the election and qualification of justices of the peace and defining their jurisdiction powers and duties in civil cases," approved June 9, 1852.

Was read a second time and passed to a third reading.

Senate bill No. 106. A bill to provide for the settlement and compromise by partners and joint debtors with their creditor or creditors.

Was read a second time and referred to the Committee on the Judiciary.

Senate bill No. 117. A bill to authorize and require Clerks of Circuit and Common Pleas Courts to enter satisfaction of certain mortgages foreclosed in such courts and providing compensation therefor.

Was read a second time and passed to a third reading.

Senate bill No. 136. A bill to amend section six of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a second time.

Mr. Fisher moved to amend by striking out all that requires publication in the Journal and Sentinel.

The bill then passed to a third reading.

Senate bill No. 138. A bill to amend the second section of an act entitled "an act to amend the two hundred and seventh and two hundred and eighth sections of an act entitled an act to revise, simplify, and abridge, the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and

to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' approved June 18, 1852," so as to authorize a change of venue in certain cases. Approved March 5, 1859.

Was read the second time, and referred to the Committee on Judiciary.

Senate bill No. 171. A bill to repeal an act entitled "an act to provide for the return of the jury in the Common Pleas Court, at the third day of the term," approved March 5, 1859; and to authorize the Judges of the Courts of Common Pleas to fix the order of business in such Court, and the day on which the jury shall be summoned to appear in such Court. Approved March 5, 1859.

Was read the second time and passed to a third reading.

Senate bill No. 221. A bill to repeal an act entitled "an act prescribing the time of holding, and the length of terms of the courts of the first judicial circuit," approved March 3, 1859, and to revise and declare in force the act or parts of acts thereby repealed.

Was read a second time and referred to the Committee on the Judiciary.

No. 203. A bill authorizing the Governor to obtain possession of all public arms and military equipments belonging to the State of Indiana, or distributed by the General Government to the same, and which are not in possession of companies meeting regularly for drill, and to institute legal proceedings to recover the said arms and equipments or the value thereof, and also to provide for the distribution of the public arms, and to repeal all laws in conflict therewith.

Was read a second time, and referred to the Committee on Military Affairs.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following resolution to-wit:

Resolved, That the House be requested to return to the Senate House bill No. 161.

On motion by Mr. Branham,

House bill No. 161 was ordered to be returned to the Senate at their request.

Senate bill No. 44. A bill to make the regular catalogue tract

book, plot book, and description of lands kept in the land offices of the United States, and in the canal and Michigan road land offices, and copies thereof, prima facie evidence of the truth of their contents.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopriders, Dashiel, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

No. 236. A bill to revive an act entitled "an act to legalize the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad Company, and for other purposes," approved February 4, 1851, and extending the time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.

Was read a second time and referred to the Committee on Corporations, with instructions to strike out all that relates to publication in the Journal and Sentinel.

Mr. Moody moved to take up Senate message transmitting House bill No. 3.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 3. A bill to amend section 16 of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to provide for the holding of said Common Pleas Courts in the county of Newton, with the following engrossed amendments thereto:

Amend by striking out the word "Jasper" where it occurs in lines fifteen and twenty-one of amended section sixteen, and inserting the word "Newton" instead.

And by striking out the word "Newton" in the eighteenth line of said section, and inserting the word "Jasper" in its stead.

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Moody,
The amendments were concurred in.

House bill No. 327. A bill amending an act entitled "an act to prohibit the evidence of Indians, and persons having one eighth or more of negro blood, in all cases where white persons are parties in interest."

Was read a second time.

Mr. Bundy offered the following amendment:

Strike out all after the first section, and insert as follows:

"No Indian, or person having one eighth or more negro blood shall be allowed to testify in any cause in which a white man is a party in interest, unless the suit or proceeding shall have originated upon some contract or liability arising between such Indian, negro, or person of mixed blood, and said white person or party, or his assignor, in which case it shall be lawful for both parties to use witnesses.

Mr. Stotsenburgh moved that the bill and pending amendments be laid on the table.

Mr. Jenkinson called for a division of the question.

The question being on laying the amendment on the table,

Messrs. Bundy and Orr demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Hall, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Kitchen, Lods, Lane, Lee, McClurg, McLean, Moody, Moss, Nebeker, Orr, Owens, Packard, Pitts, Prosser, Prow, Ragan, Roberts, Sloan, Stotsenburgh, Trier, Thomas, Thompson, Turner, Veatch, Wells, Williams, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Bundy, Cameron, Haworth, Hudson, Moorman, Newman, Parrett, Randall, Sherman, Underwood, Woodhull—14.

So the motion prevailed, and the amendment was laid on the table.

The question recurring on laying the bill on the table,

Messrs. Jenkinson and Bundy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Hall, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hurd, Jones of Vermillion, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moss, Orr, Packard, Pitts, Prosser, Prow, Roberts, Sloan, Stotsenburgh, Trier, Thomas, Thompson, Turner, Veatch, Wells, Williams, Wilson, and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Anderson, Bundy, Cameron, Haworth, Hudson, Jenkinson,

Moorman, Newman, Parrett, Sherman, Underwood, Woodhull, and Woods—13.

So the bill was laid on the table.

Mr. Roberts moved to reconsider the vote to lay the bill on the table, and to lay the motion to reconsider, on the table.

Which was agreed to.

No. 186. A bill to authorize the boards of commissioners to purchase toll bridges, or any private interest therein.

Was read a third time.

By unanimous consent,

All that relates to publication in the Journal and Sentinel, was stricken out.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiel, Davis, Dobbins, Epperson, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Robbins, Sherman, Sloan, Stotsenburg, Trier, Thomas, Underwood, Veatch, Wells, Williams, Wilson, Woodhull and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Heffren, Roberts, Thompson, and Woods—4.

So the bill passed.

By unanimous consent,

Mr. Cason offered the following amendment to the title:

Amend by adding to the title, the words, "and defining an assault." Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the bill.

House bill No. 329. A bill to permit the removal of any free bank in the State of Indiana, from one place to another.

Was read a second time, and ordered to be engrossed.

No. 160. A bill to amend section one of an act entitled "an act prescribing certain misdemeanors, punishable only by a justice of the peace," approved June 7, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridger, Dashiel, Davis, Dobbins, Epperson, Erwin, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Haworth, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Roberts, Sherman, Sloan, Stotsenburg, Trier, Thomas, Thompson, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—75.

Messrs. Ferguson and Horton voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stotsenburg moved to reconsider the vote by which House bill No. 160 passed.

On motion by Mr. Gresham,

The motion to reconsider was laid on the table.

House bill No. 60. A bill providing for the deposit of bonds and freehold securities by the several rail road companies within this State, with the county auditors in the counties in which the principal offices of such rail road companies are situate, and with the Auditor of Marion county, within this State, where the principal office is without this State, and declaring the conditions thereof, and prescribing the penalties for failing to comply with the provisions of this act, and

giving owners of stock killed by said rail roads, a lien upon such securities.

Was read a third time.

The question being, shall the bill pass?

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question now be put?
It was ordered.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Brett, Brucker, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Epperson, Erwin, Ferguson, Fleming, Ford, Fraley, Goar, Hayes, Holcomb, Horton, Howard, Jenkinson, Jones of Wayne, Lods, Moss, Owens, Pitts, Prosser, Prow, Roberts, Trier, and Mr. Speaker—32.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Dashiell, Fisher, Fordyce, Frasier, Gifford, Gresham, Hall, Haworth, Henricks, Hopkins, Jones of Vermillion, Lane, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Stotsenburg, Thomas, Underwood, Veatch, Wells, Woodhall, and Woods—43.

So the bill failed to pass, for want of a constitutional majority.

Mr. Stotsenburg moved to recommit to the Committee on the Judiciary, with instructions to strike out all that relates to stock killed in towns, cities, and at street and highway crossings.

Which was agreed to.

By unanimous consent,

Mr. Heffren, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 133, have had the same under consideration, and instruct me to report the same back with the following amendments, and when so amended recommend its passage:

Amend by striking out all after the enacting clause and inserting the following:

That sec. two hundred and thirty-eight in article 13 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, be and the same is hereby repealed.

SEC. 2. Every free white person of competent age shall be a competent witness in any civil cause or proceeding, and no person shall be disqualified as a witness by reason of interest in the event of that or any other suit, or because such person is a party in said action or proceeding. Any person, a party in the action, may testify in his own behalf, or on behalf of any other party or parties therein, and any one, person or party in a suit may compel any other person or party therein to testify, under the same regulations as other witnesses may be compelled, and the interest in the suit, of any witness, shall be regarded only as to his or her credibility, and shall not affect his or her competency.

SEC. 3. Persons insane at the time of examination, children under ten years of age, and incapable of understanding the facts about which they are examined: husband and wife, as to matters for or against each other, as to communications made to each other during marriage; attorneys at law, as to confidential communications from a client, or advice given to such client: clergymen concerning any confessions made to them in the course of discipline enjoined by the church—shall not in either case be included in the second section of this act, or be competent witnesses; *Provided*, that when an Indian, negro, or person excluded on account of mixed blood, shall be a party, his opponent shall be also excluded.

SEC. 4. All laws and parts of laws coming in conflict with the provisions of this act are hereby repealed.

SEC. 5. That an emergency exists for the immediate taking effect of this act, and therefore the same shall take effect and be in force from and after its passage, and in all actions tried thereafter, all courts shall be governed thereby.

The report was concurred in and the amendment adopted.

On motion by Mr. Heffren,

The bill and amendments were made the special order of the day for Monday next at 3 o'clock.

By consent, Mr. Davis offered the following resolution :

WHEREAS, This House agreed at an early day in the session to take seven thousand copies of the Governor's Messages; and whereas, there has not been more than fifteen or twenty copies furnished to each member; therefore,

Be it Resolved, That this House will not receive nor pay for any numbers hereafter delivered.

Mr. Heffren moved to lay the resolution on the table.
Which was not agreed to.

The question being on the adoption of the resolution,

Mr. Heffren called for a division, and,

No quorum voting, the resolution laid over till Monday.

On motion by Mr. Gresham,

House bill No. 105 was taken from the table, and made the special order of the day for Tuesday next at 10 o'clock.

Mr. Sloan, from the Committee on Claims, obtained leave and made the following report :

MR. SPEAKER:

The Committee on Claims, to whom was referred House bill No. 305 : A bill to provide for the payment of the Indiana Peace Commissioners, and prescribing the mode and manner of payment, and the amount to be paid said Commissioners, have had the same under consideration, and a majority of said Committee instruct me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Cason moved to take from the table House bill No. 51 and refer back to select committee.

Which was agreed to.

Mr. Roberts asked and obtained leave to introduce

House bill No. 333. A bill to establish the weight of mineral coal mined without and sold within this State, and repealing all laws coming in conflict herewith.

Which was read a first time and passed to a second reading.

On motion by Mr. Brett,

Resolved, That the select committee of five, appointed under the resolution to investigate the action of the Trustees of the Wabash and Erie Canal with reference to certain matters therein named, and to examine into the condition of the land office of said Canal at the city of Terre Haute, be authorized to sit after the adjournment of the Legislature for a period not exceeding twenty days, in order to enable them to finish the investigation commenced by them, and that said Committee be allowed for their services the same per diem as members of this House, the time to be certified by the Chairman of the Committee.

Mr. Veatch asked and obtained leave to introduce

House bill No. 334. A bill to amend an act entitled "an act to provide for the election of trustees and commissioners for the Benevolent Institutions of the State, and prescribing some of the duties of such officers.

Which was read a first time, and passed to a second reading.

Mr. McLean, from the Committee on Enrolled bills, made the following report :

MR. SPEAKER :

Your Committee on Enrolled bills, have compared Enrolled House bill No. 140 with the engrossed copy thereof, and find the same correct.

On motion by Mr. Packard.
The House adjourned.

MONDAY MORNING, 9 o'clock, }
March 4, 1861. }

The House met.

On motion by Mr. Jenkinson,
The reading of the journal was dispensed with.

H. J.—49.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

By Mr. Holcomb,

A petition from citizens of Gibson county, praying that the jurisdiction of justices of the peace be extended.

Which was referred to the Committee on the Judiciary.

By Mr. Holcomb,

A petition from sundry citizens of the State of Indiana, asking instructions to our Commissioners at Washington, to co-operate in the adjustment of our national difficulties on the basis of the Crittenden proposition.

Which was referred to the Committee of Thirteen on Federal Relations, without reading.

On motion by Mr. Atkinson,
House bill No. 96 was taken from the table and placed on the files.

REPORTS FROM STANDING COMMITTEES.

Mr. Ragan, from the Committee on Elections, made the following report:

MR. SPEAKER:

The Committee on elections, to whom was referred the credentials of members of this House, having made a former report in full on said subject, and whereas in said former report it appears that Messrs. Combs and Jones of Tippecanoe had no certificate which had come to the hands of the Committee, and whereas, subsequently Mr. Combs having presented to the Committee his certificate, they have therefore directed me to make this supplemental report, that they find that Mr. Combs is duly accredited and entitled to a seat in this House.

On motion,
The report was concurred in.

Mr. Cason, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 38, introduced by Mr. Line, from select committee, entitled "an act

authorizing county auditors to purchase justices dockets, and to pay for the same out of the county treasury, and to provide for the safe keeping of the same," have had the same under consideration, and instruct me to report back to this House, that in the opinion of this Committee, further legislation upon the subject is inexpedient, and that the bill be laid upon the table.

Which was concurred in, and the bill laid upon the table.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred a resolution of this House, No. —, inquiring into the expediency of so amending the constitution of the State, as to provide annual, instead of biennial, sessions of General Assembly, have had the same under consideration, and have instructed me to submit the accompanying joint resolution, and recommend its passage. Your Committee are impressed with the belief that the constitutional limit of sixty-one days for the duration of the sessions of the General Assembly, is too short to enable that body properly to mature the legislation necessary for a million and a half of people. In other States, whose Senators and Representatives are elected biennially, annual sessions are procured by adjournment, but here the constitutional limit intervenes. The Legislative expenses seem to have been the principal motive which induced the framers of the constitution to limit the duration of the sessions, but the Committee submit that the people have lost far more for the want of such sessions to watch unfaithful public servants. The Legislature is the only check in the public officers which the people have, and if they are to be kept within the line of their duty, experience has proved that the General Assembly should meet oftener than once in two years. The following joint resolution is submitted:

House joint resolution No. 36. A joint resolution, proposing to amend the Constitution, by substituting annual, for biennial sessions of the General Assembly.

On motion by Mr. Stotsenburg,

The report and joint resolution were made the special order for Wednesday at 10 o'clock.

Mr. Woodhull, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 253, introduced by Mr. McLean, entitled "a bill declaring the vending, selling, or giving away of impure, adulterated, or drugged liquors, as a felony, and prescribing the punishment therefor," have had the same under consideration, and instruct me to report the same back to this House, with the amendment thereto, and the Committee recommend that the bill and amendment be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Woodhull, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 276, introduced by Mr. Stotsenburg, entitled "an act to amend the 12th section of an act entitled an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2d, 1855, so as to give prosecuting attorneys a docket fee in divorce cases," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Woodhull, from the same Committee, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 278, introduced by Mr. Stotsenburg, entitled "an act respecting assignments of goods by way of mortgage, prescribing what goods they shall cover, and the extent of the lien the mortgage shall have thereon," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Grover, from the Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 292, "a bill for the establishment of a State normal school," have had the same under consideration, and have instructed me to report it back, and recommend that it lie upon the table, the establishment of such a school being at this time, in the opinion of the Committee, inexpedient, owing to the financial condition of the State.

The report was concurred in, and the bill laid on the table.

Mr. Moody, from the Committee on Swamp Lands, made the following report:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 204, have had the same under consideration, and recommend that the same be amended by striking out all after the enacting clause, and inserting the following, and that when the bill is so amended, they recommend its passage:

"That the board of county commissioners of the several counties of this State, shall have power, on the petition of a majority of the legal voters residing in the townships where said ditch or ditches so petitioned to be made a public highway, shall lie, upon such board being satisfied that notice thereof has been given at least twenty days before the first day of the session of such board of commissioners, at which time such petition is to be heard, by publication in a weekly newspaper of general circulation, published in such county, or by posting up notices in at least three public places in said township or townships where said ditch or ditches lie, and the said board being satisfied that the public good requires it, they may declare the said ditch or ditches a public highway.

SEC. 2. It shall be the duty of the several supervisors through whose road, district, or districts the said ditch or ditches shall run, on notice being given by the auditor of the proper county, to keep the same open and in repair as other public highways are kept open and in repair.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage and publication in the Indiana State Journal, and Sentinel.

Mr. Dobbins moved that the bill and report lie on the table.
Which was agreed to.

Mr. Dobbins, from the Committee on Claims, made the following majority report :

MR. SPEAKER :

The Committee on Claims, to whom was referred the petition, referred the petition, remonstrance, and various other papers relating to the relief of Thomas Holbert, treasurer of the county of Martin, have had the same under consideration, and a majority of said Committee instruct me to make the following report :

The Committee find upon the petition praying for Mr. Holbert's relief, upwards of seven hundred names of the legal voters and tax payers of said county, while upon the remonstrance there are but about three hundred signers, several of whom are not citizens of the county. The Committee are also satisfied from the evidence they have had before them, that Mr. Holbert has the reputation of being an honest man, and that he was in no way connected with the robbery committed on the night of the 12th, 1860, when the office of the county treasurer of Martin county was feloniously entered and the safe blown open and twenty-three hundred dollars abstracted therefrom—a majority of the Committee therefore instruct me to report the following joint resolution and recommend its passage :

No. 37. A joint resolution for the relief of Thomas Holbert, treasurer of the county of Martin.

Mr. Sloan, from the same Committee, made the following minority report :

MR. SPEAKER :

The undersigned members of the Committee on Claims, to whom was referred the petition of Thomas Holbert, treasurer of Martin county, praying to be released from certain liabilities in consequence of the loss of certain sums of money belonging to the various public funds belonging to or pertaining to the office of county treasurer, which sums of money are alleged to have been in a safe furnished by the County Commissioners for the use of said Thomas Holbert, treasurer of Martin county, and that said safe was blown open and the money taken or stolen from the same—the undersigned have had under consideration, and without any intention to cast any reflection on the said Thomas Holbert, beg leave to say that in their opinion any action of this body releasing the said Thomas Holbert would be a violation not only of the plain provisions of the law providing for the recovery, safe keeping and disbursing of the various public funds, but would also be a violation of the principle upon which said law is based, and that it would establish a precedent dangerous to the safety of the public funds of any and of all the various departments of the

Government. The undersigned would further say that in their opinion all officers having the care and custody of public funds assume for themselves and their sureties all liabilities or misfortunes pertaining to the same by their acceptance of said offices; and for the reasons herein mentioned, recommend that said petition or prayer of said Thomas Holbert be laid on the table.

The question being on concurring in the majority report and adopting the joint resolution,

Mr. Cameron demanded the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Brett, Combs, Davis, Dobbins, Fleming, Gresham, Holecomb, Kitchen, Lods, McClurg, Moss, Packard, Prosser, Sherman, Stotsenburg, Thompson and Wilson—19.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Hayes, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Orr, Parrett, Ragan, Randall, Sloan, Trier, Thomas, Turner, Underwood, Veatch, Wells, Williams, Woodbull, Woods and Mr. Speaker—54.

So the majority report was not concurred in, and the joint resolution was not adopted.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Clark Deval and Nelson Fordyce, asking that an allowance for ditching swamp lands of Boone county, in the year 1855, and received from the swamp land commissioner a certificate for ditching in said county for the sum of four hundred and ninety-nine dollars and ninety-nine cents, which certificate was placed in the hands of the late Gov. Willard for collection, that said certificate cannot be found among the pa-

pers of Gov. Willard. Your Committee, by reference to the Auditor of State, find that there is in the Treasury of State seven hundred and fifteen dollars and forty-five cents to the credit of the swamp land fund of Boone county. Your Committee, believing said claim to be just and unpaid, recommend that the Treasurer of State be instructed to pay the same out of the said swamp land fund.

On motion by Mr. Cason,

The report was recommitted to the same Committee, with instructions to report a joint resolution.

Mr. Dobbins, from the Committee on Claims, made the following majority report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of N. F. Cunningham, as follows:

State of Indiana to N. F. Cunningham, Dr.: To receiving and disbursing on account of swamp land fund, from Feb. 9, 1859, to Feb. 9, 1861, $\frac{1}{4}$ of 1 per cent. on amount so received and on amount so disbursed—

Have had the same under consideration, and a majority of said Committee instruct me to report the same back to the House, and recommend that it be referred to the Committee on Ways and Means, and that said claim be allowed.

The Committee find by examining the specific appropriation bills in the acts of 1855, 1857, and 1859, that it has been customary to make said allowance.

Mr. Sloan, from the Committee on Claims, made the following minority report:

MR. SPEAKER:

The undersigned Committee on Corporations, to whom was referred the claim of N. F. Cunningham, late Treasurer of State, asking an allowance of $\frac{1}{4}$ of 1 per cent. for receiving and disbursing on account of swamp land fund from Feb. 9, 1859, to Feb. 9, 1861, have had the same under consideration, and the undersigned is advised that the amount claimed has been allowed in the specific appropriation bills of former sessions of the Legislature; yet, by reference to an act approved March 5, 1859, relative to the salaries of public officers, the first section provides that the Treasurer of State shall receive three thousand dollars for his services, and the third section that the said officer shall receive no other compensation whatever. The undersigned, believing that N. F. Cunningham accepted the office knowing that his compensation was fixed by law, ought not to be allowed

any further compensation, and recommend that the said claim be laid upon the table.

W. W. SLOAN,
M. BRUCKER,
T. G. BOYDSTON.

Mr. Cameron moved to substitute the minority for the majority report.

Which was agreed to.

The minority report was then adopted.

Mr. Orr, from the Committee on Rights and Privileges, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges to whom was referred the House remonstrance of Captain Kitchen, Smith and others of Vigo county, against the passage of the fish bill—said petitioners remonstrate against the passage of House bill No. 136, providing for the protection of fish and fisheries, and allege,

First, that there can be no good reason assigned why fish should not be caught in seines and nets in any navigable stream.

Second—In lakes where there is no outlet some reason may exist for such a restriction.

Third—The petitioners believe that fish should not be caught by the use of any poisonous substance, and that it should be prevented by severe penalties.

The Committee have had said remonstrance under consideration, and have directed me to say that all persons should be prohibited from seining or netting fish in navigable streams in this State. When fish are spawning, the seines, drag-nets, &c., destroy the fish nests, and are very destructive to young fish ; and inasmuch as said remonstrators acknowledge the justness of law to protect fish in lakes where there is no outlet, and also a stringent law with severe penalties for catching fish by poisonous substances, therefore the Committee can see no good reason for the remonstrance, and therefore recommend that it lie on the table.

Which was concurred in and the remonstrance laid on the table.

Mr. Wells, from the Committee on Roads, made the following report :

MR. SPEAKER :

The Committee on Roads, to whom was referred House bill No.

321, with amendment—"a bill to compel companies which have heretofore, or may hereafter, construct McAdamized and gravel roads through towns to gravel the streets upon which such roads may be constructed"—introduced by Mr. Bundy, have had the same under consideration and instruct me to report the same back and recommend that it lie on the table.

The report was concurred in, and the bill laid on the table.

Mr. Holcomb, from the Committee on Roads, to whom was referred a resolution inquiring into the expediency of so amending the law, providing for the election of supervisors as to require all supervisors to give bond and security, have had the same under consideration and have directed me to report the accompanying bill and recommend its passage.

No. 335. A bill to amend the fifth section of an act entitled "an act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties and those of county and township officers in relation thereto," approved March 5, 1859.

Was read a first time and passed to a second reading.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 212, being a bill to amend sections 123 and 136, and to repeal sections 138, 139 and 140 of an act entitled "an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, &c.," have had the same under consideration and have directed me to report the same back to this House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Thompson, from the Committee on Agriculture, made the following majority report:

MR. SPEAKER:

The Committee on Agriculture, to whom was referred House bill No. 117—a bill appropriating money to the State Board of Agriculture—have had the same under consideration, and a majority of said committee have directed me to report the same back to this House with the following amendments:

Amend section first, line five, by adding after the words appropriated for the years one thousand eight hundred and sixty-one and sixty-two, and when so amended recommend its passage.

Mr. Moorman, from the same Committee, made the following minority report :

MR. SPEAKER :

Whereas, a majority of the Committee on Agriculture, to whom was referred House bill No. 117—appropriating four thousand dollars for the year 1861, and the same amount for the year 1862, out of the State Treasury, in addition to the one thousand dollars per annum now appropriated by law to the State Board of Agriculture, and having recommended its passage, the undersigned members of said committee beg leave to submit the following minority report :

We do not desire to throw anything in the way of the agricultural interest of the State, but in the present embarrassed condition of the State Treasury, and the pressing claims of the school revenue, with the already oppressive taxes demanded of the people of the State, as well as many other reasons which might be assigned, we would respectfully report against the passage of said bill and recommend that it be indefinitely postponed.

Signed by

JOHN A. MOORMAN,
PHILOMON N. COLLINS,
NOAH ANDERSON.

Mr. Cameron moved to substitute the minority report for the majority.

Mr. Nebeker moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

Mr. Frasier asked to be excused from voting,
Which was agreed to.

The question being on the motion made by Mr. Cameron,

Messrs. Collins of Adams and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were.

Messrs. Anderson, Atkinson, Black, Brett, Brucker, Bundy,

Cameron, Campbell, Collins of Adams, Dashiell, Dobbins, Epperson, Erwin, Feagler, Fleming, Fordyce, Fraley, Gifford, Goar, Grover, Hayes, Henrieks, Holcomb, Hopkins, Horton, Hurd, Jenkinson, Jones of Vermillion, Lods, Lee, Lightner, McClurg, Moorman, Moss, Nebeker, Packard, Parrett, Pitts, Prosser, Ragan, Randall, Smith of Bartholomew, Stotsenburg, Trier, Thomas, Underwood, Williams, and Woods—39.

Those who voted in the negative were,

Messrs. Bingham, Boydston, Burgess, Cason, Collins of Whitley, Davis, Ferguson, Fisher, Gresham, Hall, Hudson, Kendrick, Kitchen, Orr, Sherman, Sloan, Thompson, Turner, Veatch, Wells, Wilson, Woodhull and Mr. Speaker—23.

No. quorum voting.

Mr. Nebeker moved a call of the House.

It was not agreed to.

Mr. Prosser moved to reconsider the vote by which the House refused to order a call of the House.

Which was agreed to.

The question being on the motion to order for a call of the House. It was ordered.

The Clerk proceeded with the call, when the following members answered to their names:

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Hayes, Henrieks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Orr, Packard, Parrett, Pitts, Prosser, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

On motion by Mr. Dobbins,
Further proceedings under the call were dispensed with.

The question being on the motion made by Mr. Cameron, to substitute the minority for the majority report,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Brett, Brucker, Bundy, Cameron, Campbell, Collins of Adams, Combs, Dashiell, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fleming, Fordyce, Fraley, Gifford, Goar, Grover, Hayes, Henricks, Holcomb, Hopkins, Horton, Hurd, Jenkinson, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moorman, Moss, Nebeker, Packard, Parrett, Pitts, Prosser, Smith of Bartholomew, Stotsenburg, Trier, Thomas, Underwood, and Woods—50.

Those who voted in the negative were,

Messrs. Bryan, Burgess, Cason, Collins of Whitley, Davis, Fisher, Frasier, Gresham, Hall, Hudson, Jones of Vermillion, Kendrick, Kitchen, Moody, Orr, Ragan, Sherman, Sloan, Thompson, Turner, Veatch, Wells, Williams, Woodhull and Mr. Speaker—25.

So the motion prevailed.

The report was concurred in and the bill indefinitely postponed.

Mr. Cameron, from the Committee on Benevolent Institutions, made the following report:

MR. SPEAKER:

Your committee on Benevolent Institutions, after as full and careful an examination as their time would allow into the affairs and conditions of the various benevolent institutions of the State, beg leave to offer the following report:

These institutions are, as they should be, the pride and glory of the State, and are lasting and enduring monuments not only of her benevolence, but of her civilization and refinement; and it behooves not only the Legislature, but the people, to watch over them with jealous care lest they should fall into unworthy and incompetent hands, or become simply instruments for the advancement of the interests of individual or political parties. We find the various institutions scrupulously neat and clean, the inmates cleanly, joyous and happy.

The grounds well laid out and ornamented, pleasing to the eye, and promoting by their order and neatness a corresponding healthy mental condition.

Of the financial management of the institutions we see no reason for complaint. The purchases appear to be made entirely with a view to health and economy. The bills are carefully examined by the Board of Trustees monthly, and if approved an order is drawn signed by the Superintendent and President of the Board before the warrant can be drawn on the Treasurer for the money. These bills are carefully filed and their members and amounts entered in a book opened for inspection. Your committee find that the prices paid for provisions are below the average paid by citizens. For instance: the average price paid for provisions in October, 1858, was for beef cut, five and a half cents per pound; butter, fifteen cents; rice, $5\frac{1}{2}$ cents; eggs, nine cents; flour \$5.25 and \$5.50 per barrel. In October, 1859, beef cut, $6\frac{1}{2}$ cents; butter, fifteen cents. In December, 1860, beef cut, five cents; butter, seventeen cents; lard oil, ninety-five cents; flour, \$5.50; wood, \$1.75 and \$2.50 per cord.

From what your committee can see they believe that the present law regulating the institutions works admirably, carefully guarding the interest of the State; and while it prevents peculations by dishonest men, should we be so unfortunate as to find them occupying any of the positions, yet it works no hardship upon any of the officers of the institutions.

It has, besides, worked a great saving to the State. For instance: in the Institution for the Blind alone we find that the compensation received by the Board under the old system was, according to the report of the Committee on Public Expenditures of the last Legislature, for the year 1858, \$1,321, while the amount received by the present Board from April 2, 1859—the time when they entered upon the discharge of their duties—to October 1, 1860—a period of eighteen months—was \$116, or \$77.33 $\frac{1}{3}$ per annum—a difference in favor of the present system of \$1,243.67 per year.

THE DEAF AND DUMB INSTITUTION.

From the examination and exhibition of the various classes of the school recently given before the members of the General Assembly, as well as from a personal inspection, your committee are abundantly satisfied that this department of the institution is ably conducted and that both superintendent and teachers are faithfully and efficiently fulfilling the high trust reposed in them in instructing their pupils in that knowledge which is necessary for usefulness and happiness in life here and hereafter. The manual labor department is, in the opinion of your committee, a very important feature of the institution. All the pupils, males and females, except those under fourteen years of age, engage daily from two to three hours in some kind of manual labor suited to their ages and capacities. The female pupils are taught the various kinds of needle and house work, such as will be most useful to them in fitting them for their sphere in life when they leave the institution.

About thirty of the boys are engaged in learning boot and shoe

making, and about twenty in learning chair and cabinet making. From the specimens of work we saw, and from all we could learn, we were well satisfied with the management of the shops, and fully convinced of the great utility of this part of the training of the pupils. This department of the Institution costs the State nothing beyond the buildings required for carrying on the trades. The profits on the work of the pupils for several years past have a little more than paid the expense for stock and instruction. Your Committee therefore, having duly examined into the condition and wants of the Institution, and compared the recommendations of the Trustees and Superintendent with the actual necessities of the Institution, agree with the Board of Trustees and Superintendent as to the worn out, insufficient and dangerous condition of the heating apparatus of the Institution, and are more than confirmed by a personal examination. Hot air furnaces are not, and cannot be, adapted to so large a building; those in use are worn out; the flues are defective; there have been several fires recently, so that it needs but a casual inspection for any one to perceive that there is imminent danger to both the inmates and the property from conflagration. Had either one of the fires which occurred recently happened in the dead of night, the building and many of the inmates would, in all probability, have been consumed. The Committee have been painfully impressed with the very great and dangerous insecurity of the premises in this respect. What should be done? Repair the present apparatus? We are convinced that no repairs of which the furnaces are susceptible will make them either safe or efficient.

The Committee agree with the officers of the Institution that the furnaces ought to be abandoned, and that a steam heating apparatus should be provided, such as is in use in the State Hospital for the Insane. A plan and estimate for these improvements, prepared by the architect who constructed the apparatus at the Hospital, showing in detail the kind, quality and cost of the material and labor necessary to complete them, have been submitted to us, and we have carefully examined them. The plans seem to us well adapted to the purpose, and the estimate as low as would justify the completion of the work in a proper manner. The aggregate amount of the estimate is \$20,000, and your Committee recommend that an appropriation of \$20,000 be made for said purpose, half payable in the year 1861, and half payable in the year 1862.

INSTITUTION FOR THE BLIND.

There are at this time sixty-eight pupils in this Institution. Thirty-eight females, and thirty males. Of this number sixty-seven are citizens of Indiana, and one (a pay pupil,) is a citizen of Ohio, who is receiving instruction in the Institution at the rate of \$100 per annum.

The female pupils and the small boys are engaged in braiding

palm-leaf hats, and making fancy bead articles. A portion of the girls are employed in knitting socks and stockings, also in plain sewing. Some of them make most of their own clothing.

There are seventeen pupils engaged in the manufacture of brooms, about one half of whom are beginners. Not more than six can make saleable brooms. The brooms made by apprentices are unsaleable, and have to be sold at a low figure. As a general rule, when a pupil has acquired a full knowledge of his trade he is graduated. Some pupils can acquire the broom trade in one year, some cannot learn it in less than two. The work department of the Institution is not expected to yield a revenue to the State; the leading object of this department is to learn the pupils a trade, by which they may, in whole or part, make a living for themselves.

Your Committee have no suggestions to make in regard to this Institution.

INDIANA HOSPITAL FOR THE INSANE.

The Institution was opened for the reception of patients Nov. 21, 1848, since which period 2,039 patients have been admitted and treated, to the date of our examination, of which number about 48 per cent. have been restored to rationality. The cures upon recent cases average about 66 per cent.

This encouraging result should incite us to make every effort to make more room. Delay in the treatment of insanity frequently converts a curable into an incurable case. The capacity of the Institution is about two hundred and eighty patients, on daily average per annum. The present number of patients in the wards is three hundred and six. The colder months of the year enable the Superintendent to crowd them closer. While it is inconvenient only to those whose business it is to manage the patients thus crowded in the winter, yet it is not deleterious to the patients; but so soon as the warm weather sets in, the crowded wards become positively hurtful to the inmates. During the very hot months the number is reduced below the maximum.

Since the first of November there have been 77 applications and 64 admissions—13 refused for want of room—and by the first of June next from 20 to 25 of the present number will have to be sent home for the reason above stated. It is fair to calculate that 77 more applications will be on file for admissions by that time.

The actual insane statistics, as furnished by the books of the Institution, show a great and increasing demand for further accommodations for this class of our unfortunate fellow beings. The number of insane in the State is supposed to be about one in every twelve hundred of our population; in New England it is one to about nine hundred of the population.

The building of an asylum for the incurable insane, and for insane epileptics, as requested in a previous report from your Committee,

would release the pressure upon the Institution, and enable it to accommodate nearly all those who have any prospect of a cure; but without such relief, a large part of the unfortunate of the State must undoubtedly suffer.

It affords pleasure to report that the cheerfulness of the patients, generally, and the kind and familiar manner in which they accost the officers and attendants, show that nothing but the law of kindness prevails, and that the police of the establishment is systematized. This vast mass of intellectual derangement expressing in each individual a case *sui generis*, is subjected to a system which enables the Superintendent to dispense with nearly everything like mechanical restraint, which about fifteen or twenty years ago was supposed to be absolutely necessary, even in its most odious form, to the proper treatment of the insane. The days of restraining insane patients by almost all kinds of apparatus, have happily passed away, and have been superseded by the law of kindness.

The mode of treating the insane in these days is a great improvement on the system which obtained in the last and the early part of the present century, and which, unfortunately, prevails now in some dark corners both in insular and continental Europe, but the light shed abroad on the subject of non-restraint by the immortal Pinel is gradually penetrating those sombre abodes, and clearing away the vestiges of a barbarous age.

The present mode commends itself to the head and heart of every true philanthropist, and affords another proof, if it were necessary, that the age in which we live is progressing towards perfection in all the elements that characterize mankind in the improvement of the moral and intellectual faculties. The large number of epileptic insane in the State demand our serious consideration; but while the present law remains as it is, and the capacity of the Hospital continues the same, the correct and most humane policy is to leave the selection of patients to be governed by the evidence in favor of restoring the unfortunate at the earliest practicable time; thus, while we cannot accommodate every applicant, we may diminish the number of insane by early and prompt treatment.

The furniture of the Hospital is pretty well worn out: especially is this true of bedsteads and mattresses. It is certainly a great mistake that wooden bedsteads were ever introduced into the wards. Besides the ultimate cost of the articles, they are frequently broken up and used for offensive attacks, as well as for getting out of the wards. Since the adjournment of the last session of the Legislature more than one hundred bedsteads have been unavoidably destroyed in this way.

Iron bedsteads are used in nearly all similar institutions, because they are, upon the whole, cheaper, cleaner, and easily secured to the floors.

The Hospital needs gas. The danger from the present mode of lighting the wards is fearfully imminent, and may result at any time in a conflagration.

H. J.—50.

The farm consists of ninety acres in cultivation and seventy acres in pasture, and yields, according to the report, a net income of six per cent. Aside from its convenience, it is imperatively demanded as a source of pleasurable labor for the patients. In the opinion of your Committee it is about large enough, and should neither be added to nor diminished.

In conclusion, your Committee would say that they have spoken only of such wants in the various Institutions as they consider absolutely necessary, speaking nothing of the many others which have been presented to them.

On motion,

The report was referred to the Committee on Ways and Means.

Mr. Parrett, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee to whom was referred House bill No. 265 : A bill entitled an act to amend the fourteenth section of an act entitled an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto, approved March 9, 1857, and to provide for a penalty for city taxes remaining delinquent after the third Monday in March, A. D., 1859, approved March 1, 1859, have had the same under consideration, and direct me to report the same back to the House with the statement that in the opinion of the Committee further legislation on the subject is inexpedient and improper. They therefore recommend that the bill be laid on the table.

Mr. Parrett, from the Committee on Corporations, made the following report :

MR. SPEAKER :

The Committee on Corporations, to whom was referred House bill No. 320, a bill to provide for the better organization of the Indiana University, and management of its affairs, to increase the number of its Board of Trustees, and to limit their compensation, have had the same under consideration, and a majority thereof direct me to report the same back, with the following amendment :

Strike out Wm. T. Otto, of the county of Floyd, and insert Joseph H. Defrees, of the county of Elkhart, in place thereof, and when so amended, recommend its passage.

On motion by Mr. Grover,
The report and bill were laid on the table.

Mr. Bundy, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred House bill No. 198, a bill to provide for the erection of an asylum for inebriates, have duly considered the bill, and the effect it is likely to produce if enacted, and the Committee have instructed me to submit the following amendment :

Strike out the first section from the enacting clause, and insert the following in lieu thereof :

“That so much of the moneys arising from licenses to retail spirituous or intoxicating liquors, under existing laws, as may be necessary for that purpose, are hereby set apart and especially appropriated for the purpose of building and conducting an asylum for inebriates ;” and when the bill is so amended, the Committee recommend its passage.

The reasons which have induced the Committee to arrive at this conclusion, are briefly these :

It is a well known fact, that long continued inebriation produces mental aberration, delirium tremens, and insanity, of which thousands die annually, and the number of the victims and the magnitude of the evils are constantly increasing. If, then, drunkenness does produce insanity, physical disease, and death, can the terrible malady be cured or alleviated? We are assured that it can be cured. It is no longer an untried experiment, for already the State of New York has an asylum in successful operation, and other States are about to embark in the same enterprise. If this species of insanity can be cured by the means proposed, the question next arises, what money should be set apart for that purpose? The State has decided to continue the system of licensing persons to sell intoxicating liquors, (whether wisely or not, your Committee do not now propose to inquire,) and the revenues derived from that source, amounts to over sixty thousand dollars annually. That the legitimate result of the system is to make drunkards, produce disease and death, is a proposition too plain for argument. If, then, the State be in any manner responsible for the existence of the disease, or if she continued to produce the existing condition of things, ought she not to use the money thus derived, to alleviate the sufferings of the unfortunate victims of the policy of licensing such establishments? Your Committee are of the opinion that the State can in some degree repair the injury, by appropriating the license revenue, to create an asylum for the unfortunate victims

of the liquor traffic—and both humanity and sound policy require that the money should be so appropriated.

Mr. Gresham moved that the report and bill be laid on the table.

Messrs. Bundy and Gresham demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Brett, Brucker, Bryan, Campbell, Collins of Adams, Combs, Dashiel, Dobbins, Ferguson, Fisher, Ford, Fleming, Gresham, Grover, Hayes, Henricks, Holcomb, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kitchen, Lods, Lee, McClurg, McLean, Moody, Moss, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prosser, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Warrum and Woodhull—52.

Those who voted in the negative were.

Messrs. Bundy, Burgess, Cason, Collins of Whitley, Davis, Epperson, Erwin, Feagler, Fraley, Frasier, Goar, Hall, Heffren, Hopkins, Jones of Vermillion, Kendrick, Lane, Lightner, Moorman, Packard, Ragan, Randall, Smith of Bartholomew, Turner, Underwood, Veatch, Wilson, Woods and Mr. Speaker—29.

So the bill and report were laid on the table.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills report House bill No. 222 correctly engrossed.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have examined and compared with the originals enrolled House bill No. 3, and enrolled House joint resolution No. 13 and find them correctly enrolled.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared with the originals, House bills Nos. 174, 150, 230, 264, 305 and 329, and find them correctly engrossed.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House for the signatures of the Speaker and Clerk thereof the following enrolled bills thereof:

Senate bill No. 12. A bill to amend the sixteenth section of an act entitled "an act touching the relation of guardian and ward," approved June 9, 1852.

Senate bill No. 24. An act to amend the sixth section of an act entitled "an act for the encouragement of agriculture," approved February 17, 1852.

Senate bill No. 29. An act to amend section fourteen of an act entitled "an act defining misdemeanors and providing punishment therefor," approved June 14, 1852.

Senate bill No. 44. A bill to make the register, catalogue, tract book, plat book and description of lands kept in the land offices of the United States, and in the Canal and Michigan road land offices, and copies thereof *prima facie* evidence of the truth of their contents.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House of Representatives, for the signatures of the Speaker and Clerk thereof, the following enrolled act of the Senate, to-wit:

Senate bill No. 31.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared engrossed House bills Nos. 258 and 204 with the original and find them correctly engrossed.

Mr. Anderson, from the Committee on engrossed bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared House bill No. 212 and find it correct.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed to bring to the House, for the signatures of the Speaker and Clerk thereof, enrolled bill No. 7 of the Senate, to-wit:

An act supplemental to an act entitled "an act concerning real property and the alienation thereof," approved May 6, 1852.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 140. An act to authorize the President of the Board of Sinking Fund Commissioners to make deeds and satisfy mortgages in certain cases therein named.

Also House bill No. 3. An act to amend the sixteenth section of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to provide for the holding of said Common Pleas Courts in the county of Newton, and has caused the same to be filed in the office of the Secretary of State.

Mr. Veatch, from the Committee on Education, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred House bill No. 61—a bill to provide for a general system of common schools, the officers thereof, and their respective power and duties and mat-

ters properly connected therewith, and for the establishment and regulation of township libraries—have had the same under consideration and instruct me to report the same back to this House with the following amendment, and when so amended they recommend its passage:

Amend section forty-six so as to allow the school examiner one dollar for each male teacher and fifty cents for each female teacher examined for license, to be paid by the applicant, and that his allowance for other services shall not exceed one hundred dollars per year.

Amend in relation to salary and allowance so as to make the same as now allowed by law, and to allow clerk hire not exceeding \$800 per year.

The question being on concurring in the report and adopting the amendments,

Mr. Packard moved the previous question.

Which was seconded.

The question being, shall the main question be now put?

It was agreed to.

Messrs. Bundy and Heffren demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Goar, Gresham, Grover, Hall, Hayes, Heffren, Henricks, Holcomb, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lightner, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Packard, Parrett, Pitts, Polk, Ragan, Randall, Robbins, Sherman, Sloan, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Atkinson, Black, Combs, Dobbins, Fleming, Ford, Horton, Jenkinson, Knowlton, Lee, Orr, Prosser, Roberts, Trier and Warrum—15.

So the amendment was concurred in and adopted.

On motion by Mr. Stotsenburg,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

On motion by Mr. Nebeker,
House bill No. 113 was taken from the table and placed on the files.

Mr. Knowlton moved to reconsider the vote by which House bill No. 202 was laid on the table.

Which was agreed to.

On motion by Mr. Knowlton,

The bill was placed on the files.

Pending, at the adjournment, was the consideration of the report and amendment of the Committee on Education on House bill No 61.

The question being on the adoption of the second clause of the amendment.

Messrs. Smith of Bartholomew and Atkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Frasier, Goar, Gresham, Grover, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jones of Wayne, Kendrick, Kitchen, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Parrett, Polk, Ragan, Robbins, Sherman, Sloan, Stevenson, Stotsenburg, Thomas, Thompson, Underwood, Veatch, Wells, Williams, Wilson, Woodhull and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Combs, Dobbins, Fleming, Ford, Fraley, Holcomb, Jenkinson, Lods, Lane, Orr, Packard, Pitts, Prosser, Prow, Roberts, Smith of Bartholomew, Trier, Warrum and Woods—21.

So the amendment was adopted.

Mr. Stotsenburg moved to amend the bill as follows :

Insert after the word "trustees," in the last line of section five, "but nothing herein contained shall be so construed as to hinder or prevent the people or corporate authorities of any city or incorporated town from electing more than one school trustee according to the by-laws or ordinances of said city or town, and said trustees shall in all things after their election be governed by the provisions of this act.

Which was agreed to.

On motion by Mr. Veatch,

The bill and amendments were recommitted to the Committee on Education.

On motion by Mr. Branham,

The following message was taken up :

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit :

House bill No. 161. A bill to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of public moneys:"

With the following engrossed amendment thereto :

Add the following section :

SEC. 2. An emergency is hereby declared to exist for the immediate taking effect of this act; therefore the same shall be in force from and after its passage.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Branham obtained leave and introduced

House bill No. 336. A bill making general appropriations for the years 1861 and 1862.

Which was read a first time and passed to a second reading.

Mr. Lee obtained leave and offered the following resolution :

Resolved, That the Senate be requested to return to this House engrossed bill thereof No. 122.

Which was not adopted.

Mr. Kitchen obtained leave and introduced

House bill No. 337. An act to amend section one of an act entitled "an act to regulate the mileage of sheriffs in conveying convicts to the State prison, and of county treasurer in making deposits, and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852.

Was read the first time and passed to a second reading.

SPECIAL ORDER.

The hour having arrived for the consideration of the concurrent resolutions reported by the Committee on Swamp Lands,

Mr. Heffren offered the following amendment.

Which was accepted by the Committee.

Amend by inserting in the proper place the following: "and that they have power to attach witnesses as for contempt and compel their attendance before said Committee and to do all things this House of right might do in said matters, hereby delegating to said Committee all the powers this House may possess to said Committee for the purposes mentioned.

Mr. Bundy offered the following amendment :

Provided, That no money shall be drawn from the Treasury for the payment of the expenses of the investigation, but such expenses be chargeable wholly to the Swamp Land Fund and made payable out of no other moneys whatever.

Which the Speaker decided out of order.

The question being on the adoption of the resolutions as amended,

Those who voted in the affirmative were,

Messrs. Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Cason, Collins of Whitley, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Parrett, Pitts, Prosser, Prow, Robbins, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woods and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Bundy, Campbell, Combs, Fleming, Ford, Hayes, Holcomb, Howard, Lods, Lane, Orr, Packard, Polk, Randall, Smith of Bartholomew, Trier, Warrum and Woodhull—22.

So the resolutions passed.

Ordered, That the Clerk inform the Senate thereof.

The hour having arrived, the House proceeded to the consideration of

House bill No. 133. A bill in relation to witnesses, and to amend section 238, of article thirteen of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, with amendments reported by the Committee on the Judiciary.

Mr. Veatch offered the following amendment:

Insert immediately after "attorneys," "physicians, as to any matters confided to them in the course of the duties of their profession." Which was adopted.

Mr. Veatch offered the following further amendment:

Insert after proviso: "And provided, further, that in all suits where an executor, administrator, or guardian, is a party in any case where a judgment may be rendered, either for or against the estate represented by such executor, administrator, or guardian, neither party

shall be allowed to testify as a witness, unless required by the opposite party, or by the court trying the cause, except in cases arising upon contract made with the executors, administrators, or guardians of such estate.

Which was adopted.

On motion,

The report was concurred in, and the bill ordered to be engrossed.

Mr. Veatch moved the bill be considered as engrossed, and read a third time.

Which was agreed to, and

House bill No. 133 read a third time.

By unanimous consent,

Mr. Veatch offered the following amendment:

“Unless with the consent of the party making such confidential communications.”

Which was adopted.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Ford, Fordyce, Goar, Gresham, Grover, Hall, Haworth, Hayes, Hefren, Henricks, Holcomb, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Prosser, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Atkinson, Black, Fisher, Fleming, Fraley, Frasier, Howard, Kitchen, Lods, Polk, Prow, and Stotsenburg—12.

So the bill passed.

Mr. Allen moved to amend the title as follows:

An act in relation to witnesses and to repeal section 238 of article 13 of the act entitled "an act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the same shall take effect and be in force.

Which was agreed to.

The title, as amended, was then adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Newman, from the Committee on the Organization of Courts of Justice, asked and obtained leave to make the following report:

MR. SPEAKER:

The Committee on the Organization of Courts, to whom was referred House bill No. 241—being entitled a bill to provide what counties shall hereafter compose each of the third, fifth and sixth judicial circuits, and to fix the times of holding the courts in said circuits, and to repeal all laws incompatible therewith—have had the same under consideration and instruct me to report said bill back to the House and recommend that said bill with pending amendments lie upon the table, as the committee deem further legislation on the subject inexpedient.

Which was concurred in and the bill laid on the table.

Mr. Nebeker moved that Senate bill No. 5 be laid on the table.

Which was agreed to.

The following resolution, which was laid over under the rules, was taken up:

Resolved, That the rules of the House be so changed as that the hours of meeting for the residue of this session shall be eight o'clock A. M., 2 o'clock P. M. and 7 o'clock P. M.

Mr. Hefren moved to strike out eight and insert nine o'clock.

Which was agreed to.

Mr. Stotsenburg moved to amend by striking out "seven o'clock P. M."

Mr. Bundy moved that the resolution and amendment be laid on the table.

Which was agreed to.

Mr. Holcomb, by consent, offered the following resolution:

Resolved, That this House will adjourn *sine die* on Monday, the 11th inst., at 12 o'clock M.

Which was laid on the table.

Mr. Brett offered the following resolution:

WHEREAS, The General Assembly of this State, at its session in the year 1857, failed to make the necessary appropriation for the maintenance of the Asylum for the Insane, thereby rendering it necessary for the friends of the inmates at said Asylum to advance the necessary means to keep such inmates at said Asylum, or suffer them to be sent to their homes; AND WHEREAS many of the citizens of this State made such advances; therefore

Resolved, That the Committee of Ways and Means be required to ascertain the amount so paid, and provide, in appropriation bill to be reported by them to this House, for the refunding of the same.

Which was referred to the Committee on Benevolent Institutions.

Mr. Fisher obtained leave and introduced

House bill No. 338. A bill to provide for taxing the Bank of the State of Indiana for Common School purposes.

Which was read a first time and passed to a second reading.

Mr. Sherman obtained leave and introduced

House bill No. 339. A bill making an appropriation for the purpose of carrying on the work on Northern Prison, and providing the manner of completing the same, and prescribing the powers and duties of the Board of Directors in relation thereto.

Which was read a first time.

Mr. Sherman moved to suspend the rules and read the bill a second time by its title.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Brett, Bryan,

Bundy, Burgess, Campbell, Combs, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fraley, Frasier, Goar, Gresham, Grover, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McClurg, Moody, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Robbins, Sherman, Sloan, Stevenson, Stotsenburg, Turner, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—63.

Those who voted in the negative were,

Messrs. Branham, Brucker, Bryan, Cason, Collins of Whitley, Ferguson, Fordyce, Holcomb, Horton, Jenkinson, Lee, Moorman, Prosser, Trier, Thomas, Thompson, Underwood and Wilson—18.

So the rules were suspended and the bill read a second time by its title.

On motion by Mr. Allen,
The bill was referred to the Committee of Ways and Means.

Mr. Veatch, from the Committee on the Judiciary, obtained leave and made the following report:

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 294, introduced by Mr. Woods, entitled "a bill to provide for the necessary judiciary proceedings to procure the removal of the feeder dam erected across the Calumet River in the State of Illinois, and for the payment of the expenses of such proceedings," have had the same under consideration and instruct me to report the same back with the following amendment, to-wit:

Amend by adding to section five the following:

"But no such warrant shall be drawn until a detailed statement of the items of costs or other expenses shall be filed with the Auditor and certified to be correct by the Governor."

And when so amended the said committee recommend the passage of the bill.

Mr. Stotsenburg offered the following amendment:

Insert \$300 instead of \$2,000.

Mr. Bundy moved to lay the amendment on the table.

Pending which the House adjourned.

TUESDAY MORNING, 9 o'clock, }
March 5, 1861. }

The House met.

On motion by Mr. Gifford,
The reading of the Journal was dispensed with.

By unanimous consent,

Mr. Grover introduced

House bill No. 341. A bill to amend an act entitled "an act to amend the 103rd section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors and of the Treasurer and Auditor of State," approved June 21, 1852, approved March 5, 1859.

Which was read a first time, and passed to a second reading.

Mr. Grover asked and obtained leave to introduce

House bill No. 342. A bill to amend section 124 of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Which was read a first time, and passed to a second reading.

Mr. McClurg, by consent, introduced

House bill No. 343. A bill authorizing county commissioners to levy a tax in certain cases, for the completing of local improvements, and defining how the same shall be collected and disbursed.

Which was read the first time, and,

Mr. McClurg moved that the rule be suspended and the bill read a second time, by its title.

The ayes and noes were taken, under the Constitution.

Mr. McClurg moved the rule be suspended, and the bill read a second time now.

The ayes and noes being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Brett, Bundy, Cameron, Cason, Collins of Whitley, Combs, Coopridger, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fleming, Fordyce, Fraley, Gifford, Grover, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, McLean, Moody, Moss, Mutz, Orr, Owens, Packard, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thompson, Underwood, Warrum, Williams, Wilson, Woods, and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Boydston, Bryan, Fisher, Goar, Gresham, Jones of Wayne, Lane, Moorman, Nebeker, Newman, Parrett, Sloan, Thomas, Wells, and Woodhull—15.

So the rule was suspended, and House bill No. 343 was read a second time.

On motion by Mr. McClurg,
The bill was referred to a select committee of three.

The Speaker appointed Messrs. McClurg, Black, and Brett, said committee.

H. J.—51.

Mr. Bryan, by consent, introduced

House bill No. 344. A bill to provide for the payment of witnesses' and sheriffs' fees in criminal cases.

Was read a first time and passed to a second reading.

By consent,

Mr. Cameron offered the following :

Resolved, That (the Senate concurring,) the Legislature go into a joint convention in the hall of the House, at 2 o'clock this afternoon, for the purpose of electing two Sinking Fund Commissioners, and that the Senate is hereby requested to concur herein.

Which was agreed to.

Ordered, That the Clerk inform the Senate thereof.

REPORTS FROM STANDING COMMITTEES.

Mr. Veatch, Chairman of Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred Senate bill No. 26, introduced by Mr. Shoemaker, entitled: A bill supplemental to an act entitled "an act to provide for the re-location of county-seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a court house, and where a deed has been executed; to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property," approved December 22, 1852, so as to legalize and confirm the action of the Boards of Commissioners in cases where public property has been conveyed under the provisions of such act, and to provide for the conveyance of the asylum for the poor in certain cases, and to provide also that trustees created under the act to which this is supplemental, shall constitute bodies politic and corporate," have had the same under consideration, and instruct me to report the same back to this House, with the following amendment, and when so amended the said Committee recommend the passage of the bill :

Amend by adding the following :

SEC. —. Each and every organization effected under the provisions of this act shall take the name and style of ——— Academy.

The report was concurred in, the amendment adopted, and the bill ordered to be engrossed.

Mr. Jones, of Tippecanoe, from the Committee on the Organization of Courts, made the following report :

MR. SPEAKER :

The Committee on the Organization of Courts, to whom was referred a resolution directing said Committee to inquire into the expediency of so amending the decedents' law as to allow executors and administrators to sue before justices of the peace, (introduced by Mr. Prow,) have had the same under consideration, and have directed me to report that in the opinion of your Committee no such amendment is necessary, the law as it now is being altogether sufficient.

Which was concurred in.

Mr. Gresham, from the Committee on Military Affairs, made the following report :

MR. SPEAKER :

The undersigned Committee on Military Affairs, to whom was referred Senate bill No. 205 : A bill to authorize the Governor to obtain possession of all public arms and military equipments belonging to the State," &c., have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Mr. Davis offered the following amendment :

Amend section first, thirteenth line, after the word "lien," by inserting "within the last twelve years."

Mr. Gresham moved to lay the amendment on the table.

Messrs. Davis and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brucker, Bundy, Cameron, Cason, Collins of Whitley, Collins of Adams, Epperson, Erwin, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frazier, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lee, Lightner, McClurg, Moody, Moorman, Newman, Orr, Owens, Parrett, Prosser, Ragan, Randall, Sloan, Thomas,

Thompson, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Brett, Coopridger, Davis, Dobbins, Gifford, Goar, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Lods, Moss, Mutz, Packard, Pitts, Polk, Prow, Robbins, Smith of Bartholomew, Stevenson, Stotsenburg and Trier—23.

So the amendment was laid on the table.

The question being, shall the report be concurred in?
It was agreed to.

Senate bill No. 203 was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy, Cameron, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, Moody, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thompson, Thomas, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Fleming, Heffren, Horton, Howard, Jenkinson, Lods, McClurg, McLean, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—29.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to announce to the House that the

Senate has concurred in the resolution of the House to go into joint convention this afternoon at 2 o'clock, to elect two Commissioners of the Sinking Fund.

Mr. Prow, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 55: "a bill to provide for the fencing across County and Township roads, and to provide other remedies," introduced by Mr. Ferguson, having had the same under consideration, and have directed me to present the following bill as a substitute for the same, and recommend its passage:

House bill No. 345. A bill to provide for the erection of swinging gates across State, county and township roads where such roads lead to the crossing of any river of sufficient size to be necessary to keep a ferry, and no such ferry is kept, and to provide penalties for injuring or leaving such gates open.

Which was read a first time, and passed to a second reading.

Mr. Wells, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 141: A bill to amend the sixth and twentieth sections of an act entitled "an act providing for the election of supervisors of highways, and prescribing certain of their duties," approved March 5, 1859, introduced by Mr. Anderson, also an amendment, have had the same under consideration, and direct me to report that legislation is inexpedient.

The report was concurred in.

Mr. Wells, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 267: "a bill to amend the sixth section of an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852, and adding a supplemental section to said act, intro-

duced by Mr. Bundy, have had the same under consideration, and direct me to report favorable to its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Wells, from the same Committee, made the following additional report:

MR. SPEAKER:

The Committee on Roads, to whom was referred House bill No. 271: "a bill to authorize turnpike and plank road companies heretofore incorporated under any special act of the General Assembly of the State, to obtain materials for the repair thereof from any lands adjacent thereto," introduced by Mr. Bundy, have had the same under consideration, and direct me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Brett, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bill No. 262, entitled a bill to amend sections 78, 79, 94, 95, 142 and 143 of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana," &c., ask leave to report that they have carefully examined said bill and herewith return the same, and unanimously recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parrett, from the Committee on Corporations, made the following report:

MR. SPEAKER:

The Committee on Corporations, to whom was referred House bill No. 326—a bill to revise an act to legalize the doings and proceedings of the Alton, Mt. Carmell & New Albany Railroad Company and for other purposes, approved February 4, 1851, extending the time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the imme-

date taking effect of this act, have had the same under consideration and direct me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Parrett moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 326 was read a third time, and, by unanimous consent, the bill was amended by striking out that portion of the emergency clause that requires the bill to be published in the Indiana State Journal and State Sentinel.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker, Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—86.

Mr. Horton voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anderson, from the Committee on engrossed bills, made the following report:

MR. SPEAKER :

The Committee on engrossed bills have examined House bill No. 133 and find it correct.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have examined and compared with engrossed copy enrolled House bill No. 161 and find it correctly enrolled.

SPECIAL ORDER OF THE DAY.

The hour having arrived the House proceeded to consider House bill No. 105.

Mr. Jenkinson moved that the House resolve into a Committee of the Whole.

Which was not agreed to.

On motion by Mr. Cameron,

The special order was informally passed over to enable him to make the following report from a select committee:

MR. SPEAKER:

Your Committee, to whom was referred House bill No. 285—a bill to apportion the State for Representative and Senatorial purposes—have had the same under consideration and beg leave to report the following:

Strike out all after the enacting clause and insert the following amendments, and when so amended your committee recommend its passage:

That for the purpose of electing Senators of the said State, the same shall be and the same hereby is divided into fifty districts, and that each be entitled to one Senator, as follows, to-wit:

Gibson and Posey, one.

Vanderburgh, one.

Knox and Pike, one.

Warrick and Dubois, one.

Davis, Martin, and Lawrence, one.

Orange and Washington, one.

Spencer, Perry, and Crawford, one.

Floyd and Harrison, one.

Clark, one.

Jefferson and Scott, one.

Dearborn, one.

Ohio, Ripley, and Switzerland, one.
 Bartholomew and Jennings, one.
 Shelby and Johnson, one.
 Decatur, one.
 Rush, one.
 Jackson and Brown, one.
 Franklin, one.
 Monroe and Morgan, one.
 Clay and Sullivan, one.
 Greene and Owen, one.
 Vigo, one.
 Parke and Vermillion, one.
 Putnam, one.
 Boone and Hendricks, one.
 Marion, one.
 Hamilton and Tipton, one.
 Fayette and Union, one.
 Wayne, one.
 Henry and Hancock, one.
 Delaware and Blackford, one.
 Madison and Grant, one.
 Randolph and Jay, one.
 Adams and Wells, one.
 Allen, one.
 DeKalb and Steuben, one.
 Huntington and Wabash, one.
 Lagrange and Noble, one.
 Kosciusko and Whitley, one.
 Elkhart, one.
 St. Joseph and Marshall, one.
 Miami and Fulton, one.
 Cass and Carroll, one.
 Howard and Clinton, one.
 Tippecanoe, one.
 Montgomery, one.
 Fountain, one.
 Warren, Benton, White, Jasper, and Newton, one.
 Lake, Porter, Starke, and Pulaski, one.
 Laporte, one.

SEC. 2. That the House of Representatives shall be composed of one hundred members, which shall be and are hereby apportioned among the several counties of this State, as follows, to-wit:

Posey, one.
 Gibson, one.
 Vanderburgh, one
 Knox, one.
 Pike, one.

Warrick, one.
 Martin, one.
 Dubois, one.
 Spencer, one.
 Perry, one.
 Daviess, one.
 Greene, one.
 Crawford, one.
 Harrison, one.
 Floyd, one.
 Floyd and Harrison, one.
 Orange, one.
 Washington, one.
 Clark, one.
 Jefferson, two.
 Jefferson and Scott, one.
 Jackson, one.
 Brown, one.
 Switzerland and Ohio, one.
 Dearborn, one.
 Jennings, one.
 Ripley, one.
 Bartholomew, one.
 Jennings and Bartholomew, one.
 Shelby, one.
 Johnson, one.
 Johnson and Shelby, one.
 Rush, one.
 Decatur, one.
 Franklin, one.
 Lawrence, one.
 Monroe, one.
 Sullivan, one.
 Clay, one.
 Owen, one.
 Vigo, one.
 Parke, one.
 Montgomery, one.
 Parke and Montgomery, one.
 Vermillion, one.
 Putnam, one.
 Hendricks, one.
 Boone, one.
 Boone and Hendricks, one.
 Marion, three.
 Hamilton, one.
 Hamilton and Tipton, one.
 Morgan, one.
 Hancock, one.

Fayette and Union, one.
 Wayne, two.
 Henry, two.
 Madison, one.
 Grant, one.
 Madison and Grant, one.
 Delaware and Blackford, one.
 Wells and Adams, one.
 Randolph, one.
 Randolph and Jay, one.
 Allen, two.
 DeKalb, one.
 Steuben, one.
 Huntington, one.
 Wabash, one.
 Miami, one.
 Miami and Wabash, one.
 Lagrange, one.
 Noble, one.
 Kosciusko and Whitley, two, jointly.
 Elkhart, one.
 St. Joseph, one.
 Marshall, one.
 Fulton and Pulaski, one, jointly.
 Cass, one.
 Carroll, one.
 Howard, one.
 Clinton, one.
 Tippecanoe, two.
 Fountain, one.
 Warren, one.
 Laporte, one.
 Laporte and Starke, one.
 Lake, one.
 Porter, one.
 Benton, Newton, and Warren, one.
 Whitley and Jasper, one.

Mr. Heffren moved to concur in the report of the committee by striking out all after the enacting clause, and inserting the following amendments:

That for the purpose of electing Senators to the General Assembly of said State the same shall be, and is hereby, divided into Fifty Districts, and that each district be entitled to one Senator, as follows.

to-wit:

The county of Allen, one.
 Adams, Wells and Blackford, one.
 Jay and Randolph, one.

Brown and Bartholomew, one.
 Benton, White, Jasper, Newton and Pulaski, one.
 Delaware and Grant, one.
 Boone and Clinton, one.
 Cass and Carroll, one.
 Clay and Owen, one.
 Clark and Scott, one.
 Crawford and Harrison, one.
 Dubois, Martin and Daviess, one.
 Knox and Pike, one.
 Posey and Gibson, one.
 Warrick and Vanderburg, one.
 Washington and Floyd, one.
 Perry and Spencer, one.
 Orange and Lawrence, one.
 Jackson and Jennings, one.
 Ripley and Franklin, one.
 Dearborn, one.
 De Kalb and Steuben, one.
 Elkhart, one.
 Fountain and Warren, one.
 Fayette and Union, one.
 Fulton and Miami, one.
 Greene and Monroe, one.
 Hamilton, Tipton and Howard, one.
 Hancock and Madison, one.
 Shelby, one.
 Hendricks, one.
 Henry, one.
 Huntington, Wabash and Jefferson, one.
 Johnson and Morgan, one.
 Kosciusko and Whitley, one.
 Laporte, one.
 Lake, Porter and Starke, one.
 Lagrange and Noble, one.
 Marion, one.
 Marshall and St. Joseph, one.
 Montgomery, one.
 Ohio and Switzerland, one.
 Parke and Vermillion, one.
 Putnam, one.
 Rush, one.
 Sullivan and Vigo, one.
 Tippecanoe, one.
 Wayne, one.

SEC. 2. That the House of Representatives shall be composed of one hundred members, which shall be, and are hereby, apportioned among the several counties of said State as follows, to-wit:

Allen county shall be entitled to two.

Adams, one.

Jay, one.

Bartholomew, one.

Randolph, one.

Brown, one.

Benton, Newton and White, one.

Jasper, Pulaski and Starke, one.

Wells and Blackford, one.

Delaware, one.

Boone, one.

Clinton, one.

Boone and Clinton, one jointly.

Carroll, one.

Cass, one.

Crawford, one.

Clay, one.

Owen, one.

Clark, one.

Dubois, one.

Martin, one.

Daviess, one.

Knox, one.

Decatur, one.

Dearborn, two.

De Kalb, one.

Steuben, one.

Elkhart, one.

Floyd, one.

Harrison, one.

Franklin, one.

Fountain, one.

Warren, one.

Fayette and Union, one.

Fulton, one.

Miami, one.

Grant, one.

Madison, one.

Greene, one.

Monroe, one.

Gibson, one.

Pike, one.

Hamilton, one.

Hancock, one.

Shelby, one.

Hendricks, one.

Henry, one.

Howard, one.

Tipton, one.

Huntington, one.
 Wabash, one.
 Wabash and Miami, one jointly.
 Jackson, one.
 Lawrence, one.
 Jefferson, two.
 Scott, one.
 Jennings, one.
 Ripley, one.
 Johnson, one.
 Morgan, one.
 Kosciusko, one.
 Whitley, one.
 Laporte, one.
 Laporte and St. Joseph, one jointly.
 Lake, one.
 Porter, one.
 Lagrange, one.
 Noble, one.
 Miami, three.
 Marion, three.
 Marshall, one.
 St. Joseph, one.
 Montgomery, one.
 Ohio and Switzerland, one.
 Orange, one.
 Washington, one.
 Washington and Floyd, one jointly.
 Parke, one.
 Vermillion, one.
 Perry, one.
 Spencer, one.
 Warrick, one.
 Posey, one.
 Vanderburgh, one.
 Warrick and Vanderburgh, one jointly.
 Putnam, one.
 Rush, one.
 Sullivan, one.
 Vigo, two.
 Tippecanoe, two.
 Franklin and Ripley, one jointly.

Mr. Stotsenburg moved that the bill and pending amendments be laid on the table, and made the special order of the day for Wednesday next at 9 o'clock, A. M.

Mr. Frasier moved to amend the motion, by making it the special order for to-day at 3 o'clock, P. M.

Mr. Cameron moved to lay the motion and amendments thereto on the table.

Messrs. Roberts and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Woodhull, Woods, and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Brucker, Collins, of Adams, Combs, Coopridger, Davis, Dobbins, Fleming, Ford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Presser, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—35.

So the motion prevailed.

Mr. Stotsenburg moved that the report and amendments, as reported by the committee, be laid on the table.

Mr. Cameron moved to amend by laying the amendment offered by Mr. Heffren, on the table.

Messrs. Packard and Horton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Harvey, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Brucker, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Fleming, Ford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—36.

The question being on the motion made by Mr. Stotsenburg, as amended,

Messrs. Roberts and Horton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, McClurg, McLean, Moss, Mutz, Owens, Packard, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—32.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Jones of Tipton, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—60.

So the amendment was laid on the table.

Mr. Gresham offered the following amendment:

Amend by giving Jefferson two members and Scott one.
Which was agreed to.

Mr. Cameron moved the previous question.

Mr. Heffren moved a call of the House.

Messrs. Heffren and Cameron demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb,
Horton, Howard, Jenkinson, Kitchen, Knowlton, Lols, McClurg,
McLean, Moss, Mutz, Owens, Packard, Polk, Prow, Roberts, Smith
of Bartholomew, Stevenson, Stotsenburg and Trier—32.

Those who voted in the negative were,

Messrs. Anderson, Boydston, Branham, Brucker, Bryan, Bundy,
Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dash-
iel, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley,
Frasier, Goar, Gresham, Harvey, Haworth, Henricks, Hopkins, Hud-
son, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne,
Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, New-
man, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thomp-
son, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull,
Woods and Mr. Speaker—55.

So a call of the House was not ordered.

The question being, will the House second the motion for previous
question?

Messrs. Heffren and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan,
Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley,
Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, For-
dyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth,
Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermil-
lion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moor-
man, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman,
Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Wil-
liams, Wilson, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
H. J.—52.

rider, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—35.

So the previous question was seconded.

Mr. Stotsenburg moved that the House do now adjourn.
Which was not agreed to.

The question being, shall the main question be now put?

Messrs. Heffren and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, For-
dyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermil-
lion, Jones of Wayne, Lane, Lee, Lightner, Moody, Moorman, Neb-
eker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Black and Gifford—2.

There being no quorum voting.

The Speaker directed the Clerk to call the roll again.

Mr. Heffren appealed from the decision of the Chair, deciding that when no quorum has voted upon a question that it is in order for the Speaker to direct a re-call of the roll after the vote has been announced to the House, from which we respectfully appeal.

H. HEFFREN,
L. PROSSER.

Mr. Gresham moved to lay the appeal on the table.

Messrs. Heffren and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Henrieks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Black, Boydston, Brett, Coopridger, Dobbins, Fleming, Ford, Gifford, Hayes, Holcomb, Smith of Bartholomew, and Stevenson—12.

So the appeal lies on the table.

The question being, shall the main question be now put?

The ayes and noes being previously demanded,

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Henrieks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moorman, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—56.

Messrs Davis and Gifford voting in the negative.

There being no quorum voting,

Mr. Moody moved a call of the House.
Which was agreed to.

The clerk proceeded with the call, and the following persons answered to their names :

Messrs. Anderson, Bingham, Black, Branham, Brett, Bryan, Bundy, Brucker, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch Warrum, Wells, Williams, Wilson, Woodhull, Woods, and Mr. Speaker—87.

Mr. Moody moved that the further call of the House be dispensed with.

Messrs. Jenkinson and Heffren demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Dashiell, Epperson, Erwin, Feagler, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Black, Boydston, Brett, Brucker, Crain, Dobbins, Ferguson, Fraley, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prosser, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, and Warrum—33.

So the further call was dispensed with.

On motion by Mr. Bundy,
The House adjourned.

2 O'CLOCK, P. M.

The House met.

Pending the adjournment was the question.
Shall the main question be now put?

Mr. Cameron, by unanimous consent, withdrew the motion for the previous question.

On motion by Mr. Cameron,

The bill was laid on the table, and 200 copies ordered to be printed, and the bill made the special order of the day for to-morrow at 2 o'clock P. M.

On motion by Mr. Stotsenburg,

House bill No. 336. A bill making general appropriations for the years 1861 and 1862.

Was read a second time and referred to the Committee on Ways and Means.

Mr. Bundy offered the following resolution:

Resolved, That the Senate be invited to attend in the hall of this House, instantler, to go into the election of two Sinking Fund Commissioners, and seats be provided for them on the right of the Speaker's chair.

Which was adopted.

The hour for the meeting of the joint convention of the two houses of the General Assembly having arrived, the Senate, preceded by Senator Cravens, President pro tem., appeared in the hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the joint convention to order, the President of the Senate announced that the General Assembly were met in joint convention pursuant to a concurrent resolution of both branches thereof, for the purpose of electing two members of the Board of Sinking Fund Commissioners.

The President of the joint convention announced that the convention would now proceed to choose, by a *viva voce* vote, a member of the Board of Sinking Fund Commissioners.

Mr. Frasier nominated Isaac Jenkinson, of the county of Allen.

Mr. Heffren nominated Joseph V. Bemusdaffer, of Decatur county.

Those who voted for Mr. Isaac Jenkinson were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Craven of Madison, Cravens of Jefferson, Culver, DeHart, Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb, Stone, Teegarden, Turner, Wagner, and White, of the Senate, and

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker, of the House of Representatives—82.

Those who voted for Mr. Joseph V. Bemusdaffer were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Johnston, Jones, Landers, Line, Lomax, Odell, Ray, Shields, Shoemaker, Slack, Studabaker, Tarkington, Williams, Wilson and Wolfe, of the Senate, and

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum, of the House of Representatives—54.

Isaac Jenkinson, having received a majority of all the votes cast by the General Assembly, was declared by the President of the joint convention, duly elected as a member of the Board of Sinking Fund Commissioners for the term of four years from and after the expiration of the term of the present incumbent.

The President announced that the joint convention would proceed to choose a second member of the Board of Sinking Fund Commissioners.

Senator Stone nominated Nathaniel P. Kemp.

Mr. Heffren nominated Parmenter M. Parks.

Those who voted for Mr. Kemp were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Craven of Madison, Cravens of Jefferson, Culver, DeHart, Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb, Stone, Teegarden, Turner, Wagner and White, of the Senate, and

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker, of the House—82.

Those who voted for Parmenter M. Parks were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Johnston, Jones, Landers, Line, Lomax, Odell, Ray, Shields, Slack, Studabaker, Tarkington, Williams, Wilson and Wolfe, of the Senate, and

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Jenkinson, Knowlton, Kitchen, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Prow, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier Warrum—54.

Nathaniel P. Kemp, having received a majority of all the votes cast by the General Assembly, was declared by the President of the joint convention, duly elected as a member of the Board of Sinking Fund Commissioners for four years from and after the expiration of the term of the present incumbent.

The President of the joint convention then announced that the business for which they had convened was concluded, and declared the joint convention adjourned *sine die*.

The Senate then retired to their Chamber.

Mr. Heffren moved to pass over the special order of the day and take up House bills on third reading.

Which was not agreed to.

SPECIAL ORDER.

The hour having arrived, the House proceeded to consider

House bill No. 105. A bill for the organization of the Indiana militia, prescribing duties of certain officers, for punishing failures, refusals and negligence in connection with the service, and for the repeal of all existing laws having reference to said militia.

The question being on concurring in the report of the Committee and ordering the bill to be engrossed,

Mr. Knowlton moved to amend as follows :

SECTION 1. That section one of an act entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14, 1852, which reads as follows:

"That each Congressional district of the State shall be also a military district for brigade purposes, in which the Governor shall appoint and commission a resident citizen thereof Brigadier General; and each county in such district shall form and constitute one regimental district," be, and the same is hereby amended as follows :

Each Congressional district of this State shall be also a military district for brigade purposes, in which the Governor shall appoint and commission a resident citizen thereof Brigadier General; and each county in such district shall form and constitute one regimental district. The militia of the first congressional district shall constitute the first brigade; of the second congressional district the second brigade; of the third congressional district the third brigade; of the fourth congressional district the fourth brigade; of the fifth congressional district the fifth brigade; of the sixth congressional district the sixth brigade; of the seventh congressional district the seventh brigade; of the eighth congressional district the eighth brigade; of the ninth congressional district the ninth brigade; of the tenth congressional district the tenth brigade; of the eleventh congressional district the eleventh brigade: *Provided*, That any change of the congressional districts hereafter made shall not affect this classification of brigades.

SEC. 2. Section two of the act above referred to, which reads as follows:

"Such General shall appoint his staff officers, not exceeding the number allotted to an officer of his rank by the law of the United States, or as the necessities of the service require; and recommend to the Governor suitable persons in each of the counties in his brigade to be commissioned Colonel, Lieutenant Colonel and Major in each county, and the persons thus recommended shall be so commissioned," shall be, and is hereby amended to read as follows:

Such General shall appoint his staff officers and recommend to the Governor suitable persons in each of the counties in his brigade to be commissioned Colonel, Lieutenant Colonel and Major, in each county, and the persons thus recommended, and those only, shall be so commissioned. The militia of each county shall constitute a reg-

iment, and shall be under the command of the regimental officers provided for in this act and the act to which this is supplemental.—The regiment of each brigade shall be numbered by the Brigadier General thereof. The officers heretofore appointed, under the sections herein amended, shall hold their offices until their successors are elected, commissioned and qualified as is in this act hereinafter provided.

SEC. 3. *Be it further enacted by the General Assembly of the State of Indiana,* That the militia shall consist of all able-bodied, white male persons, who shall be enrolled members of armed and uniformed companies, duly organized and mustered into the service of the State, and of all commissioned officers, and shall be styled and known as the active militia of the State of Indiana.

SEC. 4. All County Auditors, Assessors, Sheriffs, or other civil officers, upon whom are devolved the discharge of specific duties under this act, who shall neglect or refuse to obey the provisions of the law herein specified, shall forfeit and pay not more than five hundred nor less than twenty dollars for each and every offence, to be recovered, in any court of competent jurisdiction, for the use of the military fund of the State, in an action by the State, on the relation of any commissioned officer in the county.

OF THE MILITARY FUND.

SEC. 5. It shall be the duty of every assessor of State and county taxes, annually, at the time he lists property for taxation, to enter in a separate column of his assessment roll, a tax of _____ cents against every person liable to pay a poll tax. Said assessment shall be collected by the proper county officers in the same manner and by the same means as are provided for the collection of county and State taxes; and such county officers, when they make their annual settlements with the Auditor of State, shall therein specify the amount so collected by them from the military tax. When they have settled with the Auditor of State, and the moneys have been deposited in the State Treasury, in conformity with the law at the time existing, it shall be the duty of the State Treasurer to specially set apart therefrom the sum collected from the military tax, and the moneys thus set apart shall be deemed and remain a special fund, to be designated the military fund of the State, which shall be used and disbursed only as in this act hereinafter provided.

SEC. 6. The military fund shall forthwith be distributed *pro rata* by the Treasurer of State among those counties having an active militia in proportion to the number of said active militia in each county, as shown by the report of the Adjutant-General, which money shall be paid to the Treasurer of said counties and by them distributed as follows:

First. One-third of the military fund thus placed into the hands of the County Treasurer shall be drawn, on the warrant of the Colonel, to pay the actual expenses of the Quartermaster of the regi-

ment for the preservation of the public arms, and to defray the expenses of regimental or battalion drills, parades, encampments, and courts martial, except as is hereinafter provided.

Second. The balance of the fund, after the preceding disbursements, shall be distributed, on the warrant of the Colonel, amongst the companies of active militia in such county, proportioned in accordance with the number of members in each, to be used by such companies to defray the expense of company drills and courts martial, of armories and music, and for the procurement of equipments and munitions.

ORGANIZATION OF COMPANIES.

SEC. 7. When not less than ——— nor more than one hundred qualified persons agree to organize a military company, they may call one of their number to preside over their meeting, and another to act as secretary thereof; they may then proceed to the election of one Captain, and one 1st, one 2nd, and one 3rd Lieutenant. A report of the proceedings of the meeting, authenticated by affidavits of the President and Secretary thereof, shall be sent to the Adjutant General, who shall forthwith procure commissions from the Governor for the officers elect and transmit the same to them by mail—the term of which commissions shall continue until the qualification of their successors in office, who shall be chosen at the next regular election, provided for by this act.

SEC. 8. Such company may adopt its own name and uniform, subject to the approval of the Colonel of the Regiment, and a constitution and by-laws for its government: *Provided*, That nothing therein contained shall conflict with or supersede the provisions of this act.

SEC. 9. Whenever the officers of such military company shall have received their commissions, they shall notify the commanding officer of the regiment of their organization, and thereupon said commanding officer shall issue to the captain of the company an order upon the Regimental Quartermaster for arms and accoutrements for his company, and when the company shall have received such arms and have obtained their uniform, the captain shall inform said commanding officer thereof, and he shall thereupon muster said company into the service of the State as active militia, and number and enroll it as a part of his regiment.

SEC. 10. The captain of any military company, organized, uniformed and armed on the taking effect of this act, shall forthwith report to the commandant of the regiment the names of the officers and privates of the company, the kind and value of the arms and equipments in their possession, and shall give a bond for twice the value thereof to the Regimental Quartermaster, to be approved by said commandant, whereupon the company shall be released from any other bond for the delivery of said arms, and thereupon said commandant shall muster into service, number and enroll said company

as a part of his regiment; and any such company failing to comply with the provisions of this section shall be deprived of their arms by said commanding officer, who shall take possession of the same and deliver them to the Regimental Quartermaster.

SEC. 11. Companies of artillery and cavalry shall consist of not less than twenty nor more than one hundred men, rank and file, and shall be organized, mustered, numbered, and enrolled as other companies. *Provided*, That, in consideration of the extra expense of the artillery company, in the distribution of the military fund, every one member of an artillery company shall be *counted* as *two*.

ELECTIONS.

SEC. 12. There shall be an election of company officers held at the Court House, in each county in which a corps of active militia may be enrolled at the time, on the second Tuesday in July, 1861, and every year thereafter, under the supervision of the Colonel of the regiment; or, in his absence, of the Lieutenant Colonel; or, in his absence, of the Major; or, in his absence, of the Sheriff, which shall be conducted as follows: The officer supervising shall select three competent persons, not candidates, to act as inspectors; the company, or companies, shall appear on the ground uniformed and armed, and as each company is called by the officer supervising, each member thereof shall deposit his ballot, with the names of his choice for one Captain, one First, one Second and one Third Lieutenant, stating on such ballot the name or number of the Company to which he belongs; the said inspectors shall forthwith proceed to count the votes cast, and report the result of such election to the officer supervising, who, in turn, shall transmit a certified copy of the same to the Adjutant General, upon which the latter shall procure commissions from the Governor for the persons receiving the highest number of votes cast in each company for the several offices herein named, and transmit the same to them by mail; the term of such commissions to continue for one year, and until the successors in office are elected and qualified; and in all cases where the report of an election shall exhibit an equal vote for two or more candidates receiving the greatest number of votes for the same office, in the same company, such election shall be determined by lot, publicly drawn by the Adjutant General in the presence of the Commander-in-Chief.

SEC. 13. Elections to fill vacancies, occasioned by the death, resignation or removal of a company officer, may be called, at any time, by order of the company, and when so called shall be conducted in the same manner as is prescribed for elections in the twelfth section of this act; persons thus elected to such vacancies, to hold their offices until the next regular election, or until their successors are elected and qualified.

SEC. 14. There shall be an election of a Brigadier-General of each Brigade, and of Regimental officers, at the Court House in each county, on the third Tuesday in September, 1861, and every four

years thereafter, under the supervision of the Colonel of the Regiment; or, in his absence, of the Lieutenant-Colonel; or, in his absence, of the Major; or, in his absence, of the Sheriff. The persons qualified to vote at such elections, shall be the commissioned officers of the organized, armed, uniformed and enrolled active militia of the county, who shall appear, take, and subscribe to an oath, to be administered by one of the inspectors, that they possess the qualifications herein prescribed. The officers supervising, shall select three competent persons, not candidates, to act as inspectors. When the polls are opened, each elector shall deposit his ballot, stating thereon his choice for a Brigadier-General of his Brigade, and for one Colonel, one Lieutenant-Colonel, and one Major of his Regiment. The said inspector shall keep the polls open from one o'clock, P. M., until six o'clock, P. M., after which they shall forthwith proceed to count the votes cast, and shall report the same, attested by their affidavits, to the officers supervising, who, in turn, shall transmit a certified copy of the same to the Adjutant General. The Adjutant General shall open the returns publicly, in the presence of the Quartermaster General and of the Commander-in-Chief, on the third Tuesday of the October succeeding, and ascertain therefrom the persons receiving the highest number of votes in the several counties of each Brigade, for Brigadier General, and also the persons in each of the several counties receiving the highest number of votes for Colonel, Lieutenant-Colonel and Major; and the persons thus elected shall be commissioned by the Governor: the terms of such commissions to continue four years, and until the successors in office are elected and qualified. In all cases where the returns of an election shall exhibit an equal number of votes for two or more persons for the same office, in the same Brigade or Regiment, the election shall be determined by lot, publicly drawn, by the Adjutant General, in the presence of the Quartermaster General, and the Commander-in-Chief. Elections to fill vacancies occasioned by the death, resignation, or removal of a Brigadier General, shall be called, as shortly thereafter as practicable, by order of the Adjutant General; and elections to fill vacancies occasioned by the death, resignation, or removal of a Colonel, Lieutenant-Colonel, or a Major, shall be called, as soon thereafter as practicable, on the order of the commanding officer of the proper Regiment; and such special elections shall be conducted in the manner herein prescribed for regular elections, the persons elected, to hold their offices until the next regular election, and until their successors are elected and qualified.

SEC. 15. The sergeants and corporals of a company shall receive their appointment from the captain, and may be removed by him at pleasure; the company clerk and company treasurer may be selected by the company at an informal election, and may be superseded at any time by an order of the company. The company treasurer shall give bond to the company clerk, to be approved by the commissioned officers of the company, that he will safely keep and pay over, when legally demanded, all moneys and other property entrusted to his

charge. The moneys drawn by such company from the Military Fund of the State, on the warrant of the Colonel, shall be held by the company treasurer, and by him paid out for the purposes in this act mentioned, on the warrant of the captain, countersigned by the clerk, and ordered by the company.

SEC. 16. In time of war, when the active militia shall be inadequate to meet the emergency and extra volunteers shall be called into the service of the State, they shall be subject to all the laws, rules and regulations that govern the active militia, and to the command of the field officers of the county and military district to which they belong.

SEC. 17. The volunteers who may be called into service by requisition of the Governor, shall attach themselves, if possible, to companies of active militia already organized, for which purpose every company commander of the latter is hereby authorized to enroll and muster them into the service of the State, and report the enrollment to the Adjutant General; when mustered into service they shall be classed as active militia.

OF OFFICERS.

SEC. 18. Every officer, on receiving his commission, shall take an oath, to be subscribed on the back thereof, before some person authorized to administer oaths, to support the Constitution of the United States, and of the State of Indiana, and to discharge the duties of his office faithfully and to the best of his ability; and the captain of any company, when the same shall have been mustered into service, shall administer the following oath to the non-commissioned officers, musicians, and privates under his command, to-wit:

"I, ———, do solemnly swear that I will support the Constitution of the United States and of the State of Indiana; that I will obey all legal orders or commands issued to me by a military officer, and discharge, to the best of my ability, the duties imposed upon me, as a member of Company ———, under the militia law of this State."

SEC. 19. The Governor shall be Commander-in-Chief of the militia, and when on military duty his uniform shall be that of a Lieutenant General. His staff shall consist an Adjutant General, a Quartermaster General, and three Aides-de-Camp—all with the rank of Colonel.

SEC. 20. The Brigadiers General, the Colonels, the Lieutenant Colonels and Majors, appointed now or hereafter, under the provisions of this act or the act to which this is supplemental, shall hold their offices until their successor are elected and qualified in the manner hereinbefore prescribed. The staff of a Brigadier General shall consist of an Assistant Adjutant General, an Assistant Quartermaster General, a Brigade Inspector, a Judge Advocate, and two Aides-de-Camp—all with the rank of Major, who shall be appointed by the Brigadier General and commissioned by the Governor as other officers, except that their terms of office shall be indefinite, and may

be terminated at any time on the appointment of a successor by the said General of brigade.

SEC. 21. The staff of a Colonel shall consist of an Adjutant, a Quartermaster, a Sergeant Major, a Surgeon, and a Judge Advocate—all with the rank of Captain. The staff of a Colonel shall be appointed by the Colonel, and commissioned as other officers, except that the terms of their offices shall be indefinite and subject to be terminated at any time on the appointment of a successor by the said Colonel.

SEC. 22. It shall be the duty of the Commander-in-Chief—

First. To fill any vacancies that may exist in the office of Brigadier General in any military district of this State, previous to the third Tuesday in September, 1861.

Second. To fill his own staff by such appointments as may be necessary for that purpose.

Third. To commission all officers in the militia of the State whose election, recommendation or appointment shall have been duly reported to him by the Adjutant General.

Fourth. To cause a report of the strength and condition of the active militia to be laid before the Legislature at each regular session thereof.

Fifth. To call out the militia of the State, or such portions thereof as may be deemed necessary to suppress insurrection, repel invasion, or preserve the peace, at the expense of the State, subject to the provisions of this act.

Sixth. To see that the provisions of this act are strictly enforced.

Seventh. To order a State encampment, when deemed advisable, and to perform such other duties as may be assigned to him by the provisions of this act, or as may pertain to the duties of his military position.

SEC. 23. It shall be the duty—

First. Of the Aides-de-Camp of the Commander-in-Chief to attend him on all military occasions, to execute all his legal orders and commands, and to discharge such other service as may be assigned them.

Second. The Adjutant General shall keep his office at the seat of government; he shall register the names of all the commissioned officers of the militia of the State, with their several resignations and promotions; he shall distribute all the orders of the Commander-in-Chief to the several corps, attend him on all military reviews, furnish blank forms of the different returns that may be required, and explain the principles upon which they shall be made; he shall receive from the several officers of the different corps throughout the State returns of the active militia, and from time to time make therefrom and lay before the Commander-in-Chief, or either house of the Legislature, such abstracts as they may severally require; he shall perform such other services as may pertain to his office, and obey all lawful orders from the Commander-in-Chief, receiving therefor an annual salary of five hundred dollars.

Third. The Quartermaster General shall keep in good repair the arsenals and magazines of the State, and attend to the due preservation and safe keeping of the ordnance, arms, accoutrements, munitions and implements of war of every description belonging to the State, and the moneys which may come into his hands by virtue of his office, and issue and pay out the same on the order of the Commander-in-Chief; he shall keep a regular account of the same and of the disbursements made, and make a report thereof to the Commander-in-Chief or to either house of the Legislature when thereto required; he shall give bond with sufficient security to the State in the penal sum of fifty thousand dollars, conditioned for the faithful performance of the duties of his office, and file the same in the office of the Adjutant General; he shall account for and deliver over to the Commander-in-Chief, on the termination of his office, all moneys and properties of the State entrusted to his care; he shall attend the Commander-in-Chief when thereto required, and obey all his legal orders and commands; he shall discharge such other service as may be assigned him by this act, receiving for his services the annual salary of five hundred dollars.

SEC. 24. It shall be the duty of the Brigadier General to exercise a general supervision of the affairs of his brigade; to see that the active militia thereof are properly organized, officered, uniformed, armed, equipped, enrolled and mustered into the service; to command his brigade, or any part thereof, at all encampments, parades, reviews and drills, and when called out for the suppression of riot, insurrection or invasion; to make all necessary orders touching the safe keeping of the arms and other military property of the State in his district, and touching the instruction and exercises of the militia under his command; and to exercise such other authority as pertains to an officer of his rank in the service of the United States, or as may be conferred by this act.

SEC. 25. The staff officers of the Brigadier General shall attend their chief on all military occasions, and obey all his legal orders and commands. The Assistant Quartermaster General shall have supervision, under the Brigadier General, of all arsenals, arms, magazines and stores belonging to the State within his brigade. He shall, if the necessities of the service, or the preservation of the property require it, take possession of any such property as may be in the possession of regimental quartermasters, or county commissioners, and distribute the same, by order of the Brigadier General, among other regimental quartermasters of the brigade; and discharge such other service as may be prescribed for him by this act, or as he may be legally commanded to perform. It shall be the duty of the Assistant Adjutant General to keep a record of the commissioned officers of his brigade, with the date of their appointment or election, and of any vacancy which may occur, which record shall present the official corps in the numerical order of the several regiments and companies; to make out, when required, muster and pay rolls of the brigade, for which purpose he may require the regimental

adjutants to return such rolls to him for their respective regiments; and to keep such other books, records, papers and statistics as the Brigadier General may order, or as the service of his department may require, and to perform all other services pertaining to the office.

SEC. 26. It shall be the duty of a Colonel to supervise and command the active militia of his county; to arrange the companies of his regiment, if there be a sufficient number thereof, into battalions, indicating the companies belonging to each battalion; to order regimental and battalion drills, parades and encampments, at such times and places as to him may seem proper, notifying the commissioned officers under his command thereof by issuing and publishing, if convenient, a general order to that effect; to inform the Brigadier General, when required, of the strength and condition of his regiment; and to perform such other services as properly pertain to the commanding officer of a regiment, or as are prescribed by this act.

SEC. 27. The Lieutenant Colonel shall command the first battalion, and the Major the second battalion of the regiment, where a regiment is so divided, otherwise they shall assist the Colonel in command; they shall attend all regimental drills, parades or encampments; they shall report to the Colonel the delinquent officers commanding companies in their battalions; they shall furnish the Colonel, when required, with the strength and condition of their respective battalions, and obey all legal orders of a superior officer, and perform all other duties properly pertaining to their offices.

SEC. 28. It shall be the duty of the staff officers of a regiment to attend all the drills, parades and encampments, when required, and to obey all legal orders of the commanding officers thereof; the Quartermaster of the regiment shall take into his possession such public arms as may be in the custody of the County Commissioners, and recall into his custody all public arms in the hands of any individual in his county, and preserve all ordnance, arms, accoutrements, stores and munitions of war in his hands belonging to the State, and keep a regular account thereof: he shall make a report thereof to the commanding officer of his regiment, when thereto required, and issue the same on proper authority; he shall make a requisition upon the Quartermaster General from time to time for such arms, munitions, &c., as may be necessary for the equipment of the companies of his county, which shall be supplied at the expense of the State, if so ordered by the Commander-in-Chief: he shall demand and receive from the Sheriff, or other collecting officer, all moneys or fines collected in his regiment by judgment of a regimental court martial, and pay the same to the Treasurer of the county, to be by him placed to the credit of the Military Fund of the regiment; he shall give bond to the State of Indiana, to the approval of the county Auditor, and to be filed in his office, in the penal sum of ten thousand dollars for the preservation of the public property in his possession, and for the faithful performance of his duty; he shall take bond with approved security from the commissioned officers of each company to whom he may

deliver arms, in double the value thereof, for the preservation and return of the same when required by the Colonel of the regiment. and he shall obey all legal orders of his superiors in command, and receive a reasonable compensation for his services out of the regimental fund. It shall be the duty of the Adjutant to form the regiment on all regimental drills and parades, and prepare it for service and inspection; to keep a regimental book in which he shall record all regimental or battalion orders, a register of the commissioned officers of the regiment, their elections and promotions, the strength and condition of each company, and all other matters of importance to the regiment; to serve in person all orders and notices directed to him by his superiors in office of the regiment; to procure from the Adjutant-General and furnish the Captain of each company with blank forms of all the returns which may be required; to submit his books and papers to his superiors when thereunto required, and upon the vacation of his office to deliver the same to his Colonel; and to obey all legal orders of his superiors, and to perform all other duties appertaining to his office.

SEC. 29. The duties of Captain, in addition to those prescribed elsewhere by this act, shall be as follows: To obey all legal orders and commands of his superior officers; to attend all company, battalion and regimental drills, parades and encampments, and exact the performance of strict duty from his subalterns, non-commissioned officers, musicians, and privates; to report all delinquencies to the company court martial; and to furnish the commanding officer of his battalion and the Adjutant of his regiment with a full report of the strength and condition of his company when thereunto required.

SEC. 30. It shall be the duty of Lieutenants of each Company, in addition to other duties incumbent by this act, to execute all orders from superior officers; to attend all company, battalion and regimental drills, parades and encampments; to aid the Captain in discharge of his duties, and when in command of a company to perform all the duties, and be liable to all the penalties of a Captain; to supervise the conduct of non-commissioned officers and report to their superiors all neglect of duty, or any other misconduct on the part of those under their command; when the command of the company shall devolve on any Lieutenant on account of the vacancy of the office of the Captain, it shall be his duty to call the company together for the purpose of providing for a special and informal election to fill such vacancy.

SEC. 31. It shall be the duty of Orderly Sergeant, in addition to his other duties, to provide, at the expense of the company, and keep a company book, in which he shall enter: *first*, the names of all persons belonging to his company; *second*, all company orders, parades, drills, delinquencies and fines; *third*, all company elections and appointments of non-commissioned officers; *fourth*, the proceedings of every company court martial, and such other matters of fact in relation to the operations of the company as in his opinion shall be necessary to constitute a complete history thereof; *fifth*, to note all de-

linquencies and neglect of duty in the privates and musicians of his company, and report the same within three days after any parade to the officer in command; to submit his books and papers to his superior officer when thereto required, and upon the vacation of his office to deliver the same to the commanding officer of his company.

SEC. 32. It shall be the duty of all non-commissioned company officers to obey all the legal orders, and to execute every summons addressed to them by their superiors, and make immediate return thereof with their doings to the officer or tribunal issuing the same; to appear at all parades and drills of their company, and to perform such other duties as pertain to their offices.

SEC. 33. It shall be the duty of privates to obey all legal orders of their superiors, to abide by the Constitution and By-Laws of their company, and faithfully discharge all the duties pertaining to their position.

SEC. 34. There shall be a regimental or battalion drill in every regiment, consisting of two or more companies, once in each year; and a company drill once in every two months; *Provided*, That the commanding regimental or company officer may order other drills or parades at his discretion.

SEC. 35. No parade or drill of the active militia shall be ordered on any day during which a general or special election of civil officers may be held, except in cases of invasion, insurrection or imminent danger thereof.

SEC. 36. When a company or regiment shall become insubordinate, the commanding officer of the regiment may take possession of the public arms and property in the hands of such company or regiment, and, if necessary in order to effect this purpose, he may invoke the assistance of a superior officer and the forces of his command; *Provided*, That such company or regiment may afterwards appeal to a regimental or brigade court martial, and if not sustained by such court martial, then such company or regiment shall be considered as discharged, and shall no longer belong to the active militia of the State.

SEC. 37. No member of the *active militia* shall be arrested, except for treason, felony, or breach of the peace, going to, attending, or returning from any drill, parade or encampment.

SEC. 38. Whenever any portion of the militia shall be called into the service of the State, in time of war, invasion, insurrection, or public danger, they shall be entitled to pay at the same rates in every respect as the corresponding grades may at the time be entitled to in the United States Army, and shall be subject to the rules and regulations prescribed for the United States Army as far as applicable.

SEC. 39. It shall be the duty of all commanders to see that their entire commands are properly instructed in the prescribed drill and discipline; and to this end they shall order officers' drills, schools of instruction, and superintend the same; and either give instruction themselves, or require some well-instructed officer to do so under their

directions. They shall likewise frequently superintend the instruction of the companies at their armories or other places of meeting.

SEC. 40. The Brigadier Generals, or the officers in command of the several brigades, shall constitute the council of the Commander-in-Chief; and after any part of the militia shall have been put upon a war footing, or under pay, except for the temporary purposes mentioned in section 46, he shall issue no general order nor undertake any expedition or general plan of operations without the advice and consent of a majority of said council.

SEC. 41. The Commander-in-Chief shall in no case put any part of the military of this State upon a war footing, or under pay, without having first convoked a council consisting of the Brigadier Generals of the State, and had the advice and consent of a majority of them in favor of such action, except to quell riot, suppress sudden insurrection, or repel an unforeseen invasion.

SEC. 42. Whenever an emergency may exist for the immediate use of military force, to quell riot, suppress sudden insurrection, or repel sudden invasion, and it is impracticable to communicate with the Commander-in-Chief, the Brigadier General, or the Colonel of the district or county where such force is to be used, or the Captain of any company in the immediate vicinity when required by the proper civil authority shall call out a sufficient force to preserve peace or prevent injury to the citizens until an order of the Commander-in-Chief can be obtained. And in all cases where such military force may become necessary, it shall be taken from the brigade or regiment where such riot, insurrection or invasion exists, or nearest thereto.

SEC. 43. The Commander-in-Chief shall in no case attach the whole or any part of any regiment or brigade to any other regiment or brigade, or place it under the command of any officer of such other regiment or brigade, for a period longer than three days, without the consent of the commanding officer of the regiment or brigade, the whole or part of which is so to be detached.

SEC. 44. Regimental and brigade commanders may call an encampment of the active militia under their commands once in each year at such times and places as they may designate, to continue during three days. The Governor may order an encampment of the active militia of the State, if deemed advisable, in the month of September of each year, at such place as to him may seem proper, which may continue during one week.

SEC. 45. Every commanding officer of a military encampment, or of a military parade, drill, or review, is hereby authorized to ascertain and fix necessary bounds and limits to his parade and drill grounds, (not including any road on which people travel, so as to prevent their passing,) within which no spectator shall have a right to enter without leave from such commanding officer; and in case any person shall intrude within such limits after being once forbidden, he may be confined under guard during the continuance of said drill, review, parade or encampment, or for a shorter time, at the discre-

tion of the commanding officer; and any person who so offends, or who shall strike or molest any one, or be guilty of any disorderly conduct, in the vicinity of such review, drill, parade, or encampment, or who may willfully obstruct the column, in line of march on any highway, or who shall resist any sentry or member of the guard who attempts to put him out of such limits, or to keep him out of the same, or to clear the highway for the line of march, may be arrested by order of such commanding officer, using such force as may be necessary for that purpose, and held under guard during the continuance of said drill, review, parade or encampment, or carried before some court, or magistrate, or justice of the peace, to be examined or tried for such assault or disturbance, and breach of the peace, upon affidavit thereof; and it shall be the duty of such civil officer, on the showing of such fact, to deal with such offender as for a violation of the statute protecting lawful assemblages.

SEC. 46. Brigade encampments may be ordered by the proper Brigadier General only by and with the consent of a majority of the Colonels of his brigade having an actual command of an organized corps of active militia. When so ordered, the proper Assistant Quartermaster General shall estimate the expense of such encampment, and apportion such expense among the several regiments of the active militia of the brigade, whereupon the warrants of the Brigadier General shall issue against the several regimental funds of his brigade for the amounts so estimated and apportioned, and the monies thus raised shall be appropriated by the said Assistant Quartermaster General in the procurement of the necessary supplies for the encampment.

SEC. 47. In the expenses of the State encampment, to be paid on the warrant of the Governor, out of the fund set apart for that purpose, the necessary cost of transportation of men and baggage shall be included. The necessary arrangements and supplies for such encampment shall be provided, under the direction of the Commander-in-Chief, by the Quartermaster General, to whom all accounts of Assistant-Quarter-Masters-General, in connection with such encampment, shall be rendered.

OF COURTS MARTIAL.

SEC. 48. There shall be three classes of courts martial—

First. Company commanders shall have power to appoint courts martial for their respective companies. Such courts shall consist of three members and a recorder, who shall be the Regimental Judge-Advocate, or, unless otherwise provided, may be the company clerk. At least one member shall be a commissioned officer, but the remaining members may be taken from the sergeants. The authority of the company courts martial shall extend only to breaches of discipline in the administration of the company, both under the requirements of the general service and the company by-laws, on the part of the non-commissioned officers, the musicians, and the rank and file of the com-

pany, for which said court may have been appointed. They may inflict fines not to exceed ten dollars, reduce non-commissioned officers to the ranks, and expel a member.

Second. Regimental commanders shall have power to appoint courts martial for their respective regiments. Regimental courts martial shall consist of not more than seven, nor more than three commissioned officers and the Regimental Judge-Advocate. They shall take cognizance of all violations of the general regulations and orders for the government of the military forces of the State, of all breaches of discipline and good order, and of all infractions of the regimental by-laws, committed by the officers, the non-commissioned officers, the musicians, or the rank and file of their respective regiments. They shall have power to impose fines, not to exceed thirty dollars, to expel musicians, and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and to expel them from the service, to suspend officers from rank and command, and to cashier them; but no sentence of a regimental court martial, cashiering an officer, shall be carried into effect until it shall have been approved by the brigade commander.

Third. Commanders of brigades shall have power to appoint general courts martial for their respective commands. General courts martial shall consist of not more than thirteen, nor less than five commissioned officers, and a Brigade Judge Advocate. They shall take cognizance of all breaches of discipline and good order, and of all violations of the general regulations and orders for the government of the military forces of the State, committed by the officers, the non-commissioned officers, the musicians, or the rank and file of the command for which the court may be appointed. They shall have power to impose fines, not to exceed fifty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and expel them from service, to suspend officers from rank and command, and to cashier them; but no sentence of a general court martial cashiering an officer shall be carried into effect until it shall have been approved by the brigade commander; and only general courts martial shall have power to take cognizance of capital cases.

SEC. 49. The proceedings of general courts martial shall be assimilated to the forms and modes of procedure directed for like courts, by the "rules and articles of war," and the general regulations for the government of the armies of the United States; and the proceedings of regimental and company courts martial shall be conformed to the modes of procedure practiced in regimental and garrison courts martial in the armies of the United States.

SEC. 50. The senior officer, on the detail, and present at the trial, shall preside over the deliberations of the courts. He shall announce all decisions of the court, and preserve good order and decorum during its sittings.

SEC. 51. All persons connected with the military service are required to treat courts martial with respect, and in default of such res-

pectful consideration may be proceeded against by arrest and trial. Non-military persons are equally required to behave with respect and decorum toward courts martial, and to commit no disorder or disturbance in in their presence; and for any such disorderly conduct or disturbance, they may be proceeded against before the nearest justice of the peace, and upon conviction, shall be fined no more than twenty nor less than three dollars, with costs.

SEC. 52. It shall be the duty of every judge advocate or recorder to keep a faithful record of the proceedings of his court; to enter thereon the order appointing the court; the names of the members present; the response of the accused when asked if he objects to any member of the court; a copy of the charges and specifications against the accused, and his plea to each specification and charge; a brief synopsis of the evidence of each witness for the prosecution and defense; and, finally, the finding and sentence of the court in full: which proceedings shall be signed by the president and attested by the judge advocate or recorder, and transmitted without delay by the latter to the officer ordering the court. The judge advocate or recorder of every court martial shall have the same power to summons all witnesses required, either for the prosecution or defense, as by existing laws the clerks of the circuit courts in this State have; and any person so summoned and failing to attend, shall be dealt with as for a contempt under existing laws. Judge advocates shall receive the same compensation for their services as prosecuting attorneys receive in cases of conviction, and witnesses summoned by them shall receive the same compensation for their attendance before courts martial as is allowed by the laws now in force for their attendance upon the civil courts of the State, recoverable from the accused if he be found guilty.

SEC. 53. Before the arraignment of the accused the judge advocate or recorder will administer the following oath or affirmation to the members, (which oath or affirmation will be taken by the members standing,): "You, A. B., C. D., (the judge advocate or recorder addressing each member with his title name,) do solemnly swear that you will well and truly try and determine, according to evidence, the cause now before you, between the State of Indiana and the accused, and that you will render justice according to the 'rules and articles of war,' and the laws of this State for the government of its military force, without partiality, favor or affection, and should any doubt arise not explained by said rules and articles or laws, then according to the best of your understandings and the customs of the service in like cases; and you do further swear that you will not divulge the sentence of the court, nor the votes nor opinions of any particular member, unless required to give evidence thereof in a court of justice in due course of law. So help you God."

SEC. 54. The court having been sworn by the judge advocate or recorder, the following oath or affirmation will be administered by the president to him: "You, E. F., do solemnly swear that you will well and impartially discharge the duties of judge advocate (or re-

corder,) in the case to be tried, as well to the State as to the accused, and you do further swear that you will not disclose the sentence of the court, except to the authority ordering the same: nor will you disclose the votes or opinions of any particular member, unless required to give evidence thereof before a court of justice in due course of law. So help you God." And the ministerial officer in attendance shall be sworn to secrecy.

SEC. 55. The judge advocate or recorder shall administer the following oath or affirmation to every witness who may give evidence before a court martial or a court of inquiry: "You do solemnly swear that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God."

SEC. 56. The members of a court martial or court of inquiry shall assemble, when practicable, in full dress uniform, and deliberate seated, the president at the head of a table, with the members on his right and left hand according to rank, on each side of the table, the senior officers nearest the president. The judge advocate or recorder will be seated opposite the president.

SEC. 57. It shall be the duty of the Regimental Quartermaster, or ministerial officer acting at a company or regimental court martial, to receive from the proper collecting officer such monies or fines as may be collected in pursuance of the judgments of such court martial, giving his receipt for the same: to pay the officiating judge advocate or recorder, as the case may be, and the attending witnesses the fees to which they may be entitled therefrom; and to pay over the balance to the company or county treasurer, as the case may be, to be place by him to the credit of the company or regimental fund in his possession.

SEC. 58. It shall be the duty of the Assistant Quartermaster General, or other ministerial officer, officiating at a brigade court martial, to receive, from the proper collecting officer, the moneys or fines which may be collected in pursuance of the judgments of such court martial, giving his receipt for the same; to pay the officiating Judge Advocate, or Recorder, as the case may be, and the attending witnesses the fees to which they may be entitled therefrom, and to retain the balance as a special fund, to be appropriated in the liquidation of the contingent expenses of brigade courts martial.

SEC. 59. The persons acting upon a brigade court martial shall be allowed ten cents per mile for the distance traveled, going to and returning from the place of meeting, and one dollar per diem during the session of such court martial. The bills of each member shall be approved by the president of the court martial, and countersigned by the Judge Advocate or Recorder officiating, and, when so approved and countersigned, they may be presented to the Adjutant General, and, if deemed correct by him, he shall place his endorsement thereon, whereupon a warrant shall issue upon the Treasurer of State for the amount of such bills or accounts.

SEC. 60. The proceedings of a court martial shall be transmitted

by the Judge Advocate or Recorder, without delay, to the officer ordering the same, or to his successor in command, who may confirm, disapprove, commute or remit the sentence, and as soon thereafter as possible shall issue his orders thereon, and file the proceedings in his office.

SEC. 61. No officer, non-commissioned officer, musician, or private, shall be tried, except on written charges and specifications, of a nature sufficiently comprehensive to embrace all the matters of accusation, and the president of the court will place all officers and non-commissioned officers in arrest, and musicians and privates in confinement, if the same has not been previously done, before they are put on trial.

SEC. 62. Officers cashiered by sentence of a court martial shall be precluded thereby from again volunteering into the military service of the State, except the sentence be remitted by the Commander-in-Chief.

SEC. 63. All fines inflicted by legally constituted courts martial shall be collectable by law, and a certified copy of the finding and sentence of the court martial, filed in any court of competent jurisdiction, praying relief, and signed by an attorney, shall be a sufficient complaint. The proceedings for the recovery of any fine so inflicted shall be in all respects like proceedings under the statute to recover an ordinary debt. It shall be the duty of the Judge Advocate to institute the proceedings, or cause it to be instituted.

SEC. 64. The fine, when collected, shall be paid over by the court to the treasurer of the company, or the Quartermaster of the regiment, or the Assistant Quartermaster General of brigade, for which the court martial was in the first place appointed; such fine going into and constituting part of the fund of such company, regiment or brigade.

SEC. 65. The general principles and spirit of the military laws and regulations for the government of the armies of the United States, when not in conflict with the express provisions of this act, or the constitution of the State of Indiana, shall be the guide of commanding officers and courts martial.

SEC. 66. No want of mere form, or absence of a simple technicality, shall vitiate the proceedings of a court martial.

MISCELLANEOUS.

SEC. 67. Any officer or any portion of the staff, or any separate commander, shall have authority to administer oaths to military persons when such may be necessary under this act; and the same penalties shall attach to false swearing in such cases as are now provided by law in case of perjury.

SEC. 68. A person holding a commission in the United States army is not thereby disqualified from holding office in the militia of this State.

SEC. 69. No person shall be a member of two companies at the same time.

SEC. 70. Any officer who removes beyond the limits of his company, or other command, shall be considered as having resigned; and every member of a company who removes beyond the limits of the county shall be considered as having been discharged.

SEC. 71. All military fines assessed and charged against a minor, in the active militia, shall be made, if required by the necessities of the case, off of the parent or guardian of such minor.

SEC. 72. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

SEC. 73. Should there be no commissioned officer present with a company, the regimental or other commander shall have authority to assign an officer to command until some officer is elected to the place.

SEC. 74. Every senior in appropriate command shall have authority to control the actions of his junior, in accordance with the principles of military subordination, under the laws and usages that govern the United States army.

SEC. 75. In all cases not herein otherwise directed, the duties, both of the staff, and of commanders and other officers and members of the active militia, shall be made to conform as nearly as possible to the duties of the corresponding positions in the United States service.

SEC. 76. When bodies of troops meet on duty the officer highest in rank in the line of command shall command the whole; and an officer of high rank may at any time take immediate charge of any portion of his command when on duty.

SEC. 77. When officers are of the same grade, the officer holding a commission of the oldest date shall command, and if of the same date, their relative rank shall be determined by lot.

SEC. 78. All bonds herein required shall be taken in the name of the State of Indiana.

SEC. 79. It shall be the duty of the Adjutant General to furnish every military company, and all general and field officers, upon the commissioning of its officers, with Hardee's Infantry Tactics, and the other systems of tactics for light or other troops in the United States army, also the regulations of the army of the United States, and treaties on military law and courts martial; which books shall be distributed as the property of the State under proper regulations.

SEC. 80. The rules and regulations provided for the government of the United States army, as far as applicable, shall apply to the government of the active militia of this State, in such cases as may not be provided for by this act, except that no rule or regulation of the United States army shall have effect in the government of the said militia where such rule or regulation would conflict with or supersede any provision of this act.

SEC. 81. The discipline and the position of companies, regiments and brigades in review, on parade, in line of march, or in line of

battle, of the active militia shall be determined and governed by the rules which govern the troops of the United States army.

SEC. 82. All commanding officers, whether of companies, battalions, regiments or brigades, shall have power to place in arrest any officer or non-commissioned officer, and to order into confinement any musician or private who may be under their command; and persons in arrest or confinement will not bear arms during the continuance of such arrest or confinement. In extreme cases, such as mutinous conduct, gross and willful violation of orders, and any other instances involving seriously the discipline of the command, non-commissioned officers may be placed under guard in like manner as musicians and privates.

SEC. 83. Any officer commissioned by the Governor, and desiring to resign his commission, shall express his desire in writing, and transmit the same to the Commander-in-Chief, through his immediate commanding officer, who will indorse thereon his recommendation in the case; and the resignation shall go into effect when accepted by the Governor, and not before.

SEC. 84. No commissioned officer, except staff officers, shall be dismissed from the service except by the sentence of a legally constituted court-martial, rendered after a fair trial, and approved in the manner prescribed in the portion of this act organizing courts martial.

SEC. 85. When any portion of the active force may be called into actual service, or assembled for instruction, parade, or encampment, only commanding officers shall have power to grant leaves of absence, the length of such leave to be determined by such regulations as may be promulgated by the Adjutant-General.

SEC. 86. Each regiment shall be provided with a color, which shall be that of the United States, with the arms of the State of Indiana, and the number of the regiment painted or embroidered thereon, to be paid for out of the regimental fund.

SEC. 87. Any officer charged with the disbursement or safe-keeping of public money, or of any of the funds authorized to be created by this act, who shall not render to the proper authorities a satisfactory account of such money, or shall fail to pay over to his successor such sum or sums as may be in his hands, or as he may have failed satisfactorily to account for, shall be proceeded against as is provided in cases of fines by courts martial.

SEC. 88. Any officer who shall embezzle public money, or military funds, or public arms, or other property intrusted to his care, shall be deemed guilty of felony, and, on conviction thereof, shall be imprisoned in the State Prison for not less than one nor more than ten years, and fined in a sum equal to the amount embezzled or misapplied.

SEC. 89. The commanding officer of every company shall, during the month of December, in every year, and at such other times as may be required, furnish the Auditor of every county with a list of the names of the active members of his company, which list shall be

verified by his certificate, on honor, that the persons whose names are thus furnished are *bona fide* members, and attend regularly to their appropriate duties in the company. The commander, or the chief staff officer at all head-quarters, shall make similar returns for their respective head-quarters. All such persons, so long as they shall continue active members of the militia, shall be exempt from all jury duty, fire duty, and from working on all public roads.

SEC. 90. It shall be the duty of the Quartermaster General, on or before the first of September next, to require a report from the Assistant Quartermaster Generals, or from the Regimental Quartermasters, of the amount of public arms, and property belonging thereto, in the several regiments and brigades of the State; and, thereafter, the public arms and property belonging thereto, which are in, or may come into, the possession of the Quartermaster General, shall be distributed, under the provisions of this act, so as to equalize, as nearly as possible, the equipment of the several brigades and regiments; and in no case shall the State arms be distributed so as to give one brigade more than one stand of arms more than another, nor shall arms in the possession of any portion of the active militia be taken away or given to another corps, except in cases where a Brigadier General shall direct arms not in use in one regiment, to be transferred to another regiment of his brigade where they may be required for service; and when such transfer shall be made, the expenses thereof, exhibited in formal account by the Quartermaster transferring the same, and attested by the Brigadier General ordering the transfer, shall be paid, on warrant of the proper Colonel, out of the fund of the regiment receiving such arms.

SEC. 91. The duties of Pay Master, Commissary and Disbursing Agent shall be devolved, in companies on the Company Treasurer, in regiments on the Quarter Master, in brigades, on the Assistant Quarter Master General, and in the State on the Quarter Master General. They shall discharge these duties under the surveillance of their several commanding officers, and render accounts thereof whenever so required by the said commanding officers.

SEC. 92. There may be raised for each company, by the voluntary engagement of such persons, two musicians, and for each regiment a band, to be composed of not more than ten musicians; which several company bands, when the regiment is assembled, may be consolidated with the regimental band, under the command of the Adjutant. The Colonel may appoint a leader, drum major, and principal musician, who shall rank as Sergeants. The musicians and members of the bands shall be subject to the requirements of this act, and entitled to the exemptions which it grants, to the same extent as other members of the active militia; and the several commanding officers of companies or regiments, as the case may be, may make reasonable appropriations from the company, and regimental funds, for the payment of such members of the bands, and for the hiring of other music; and all musicians and other persons, whether members of the active militia or not, who may hire their services to a military

body, or to any member thereof, shall, during the term for which they are employed, be subject to the laws and regulations that govern the military body with which they may serve.

SEC. 94. The companies of two or more regimental districts may be united into one regiment on the order of the proper Brigadier General, and when so united the Brigadier General shall select from the field officers of such regimental districts the officers who shall command said regiment for such temporary purposes as regimental drills and parades, and regimental, brigade and State encampments.

SEC. 95. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the act of which this is amendatory and supplemental, entitled "an act to organize the militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14th, 1852, are hereby repealed.

SEC. 96. Whereas, an emergency exists for the taking effect of this act, therefore this act shall take effect and be in force from and after its passage.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question now be put?
It was agreed to.

The question being on adopting the amendment offered by Mr. Knowlton,

Messrs. Heffren and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Dobbins, Fleming, Ford, Hayes, Heffren, Holcomb, Horton,
Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean,
Moss, Owens, Packard, Pitts, Prosser, Prow, Robbins, Smith of Bar-
tholomew, Trier and Warrum—29.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan,
Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain,
Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, For-
dyce, Frasier, Gifford, Goar, Gresham, Grover, Haworth, Henricks,
Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne,
Kendrick, Lane, Lee, Lightner, Moody, Moorman, Mutz, Nebeker,
Newman, Orr, Parrett, Polk, Ragan, Randall, Roberts, Sherman,

Sloan, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—62.

So the amendments were not adopted.

The question recurring on concurring in report and adopting the amendments reported by the committee,

Messrs. Prosser and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Fisher, Ferguson, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Campbell, Collins, of Adams, Coop-
rider, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Heffren, Hol-
comb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, Lane,
McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Pros-
ser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stot-
senburg, Trier and Warrum—38.

So the report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

Mr. Gresham moved that the bill be considered as engrossed, and read a third time now.

Messrs. Heffren and Roberts demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Haworth, Henricks, Hopkins, Jones of Tip-

pecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Campbell, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Fleming, Gifford, Hayes, Heffren, Holcomb, Horton, Howard, Hudson, Jenkinson, Kitchen, Knowlton, Lane, McClurg, McLean, Moss, Mutz, Owens, Packard, Polk, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier and Warrum—36.

So House bill No. 105 was considered as engrossed, and read a third time, and

The question being, shall the bill pass?

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bingham, Boydston, Branham, Brueker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Harvey, Haworth, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Anderson, Campbell, Dobbins, Gifford, Henricks, Holcomb, Lane, Owens, Robbins and Stotsenburg—10.

Messrs. Davis and McLean were present and refusing to vote.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House for the signatures of the Speaker and Clerk thereof, enrolled bill, No. 203, of the Senate, "A bill to authorize the Governor to obtain possession of all public arms and military equipments belonging to the State of Indiana, or distributed by the General Government to the same, and which are not in possession of companies meeting regularly for drill; and to institute legal proceedings to recover said arms and equipments, or the value thereof, and also to provide for the distribution of the public arms, and to repeal all laws in conflict therewith."

Mr. Anderson, from the Committee on Engrossed Bills, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined and compared with the original engrossed House bills Nos. 271, 267, and find them correctly engrossed.

Mr. Anderson, from the same committee, made the following report :

MR. SPEAKER :

The Committee on Engrossed Bills have examined and compared House bill, No. 262, and find it correctly engrossed.

On motion by Mr. Bundy,

The House adjourned till to-morrow morning 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
 March 6th. 1861. }

The House met pursuant to adjournment.

The Journal was read.

Mr. Davis moved to correct that part of the Journal which represents him as being present and refusing to vote on the passage of House bill No. 105.

Mr. Crain moved the previous question.
 Which was seconded.

The question being, shall the main question be now put?
 It was so ordered.

The question being on the motion by Mr. Davis.

Messrs. Heffren and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
 rider, Dobbins, Fleming, Ford, Gifford, Goar, Hayes, Heffren, Hol-
 comb, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods,
 McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Polk, Pros-
 ser, Prow, Robbins, Roberts, Stevenson, Stotsenburg, Trier, Thomp-
 son, Warrum and Wilson—38.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Boydston, Brucker, Bryan, Bundy,
 Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell,
 Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Fra-
 sier, Gresham, Grover, Haworth, Harvey, Henricks, Hopkins, Hud-
 son, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne,
 Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, New-
 man, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami,
 Smith of Bartholomew, Thomas, Underwood, Veatch, Wells, Will-
 iams, Woodhull, Woods and Mr. Speaker—55.

So the motion did not prevail.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 161. An act to amend the eleventh section of an act entitled "an act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public monies of the State, and for the safe keeping of public money, and has caused the same to be filed in the office of the Secretary of State.

Mr. Anderson, from the Committee on engrossed bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared with the original, engrossed House bill No. 105 and engrossed amendment to Senate bill No. 26, and find them correctly engrossed.

On motion by Mr. Frasier.

The special order of the day was informally passed over, to allow Mr. Veatch to introduce

House bill No. 346. A bill in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools.

Which was read a first time.

Mr. Branham moved to suspend the rule and read the bill a second time by its title now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones

of Wayne, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—90.

No one voting in the negative.

So the rule was suspended, and House bill No. 346 was read a second time by its title.

Mr. Branham moved to consider the bill as engrossed, and read a third time now.

Which was agreed to.

House bill No. 346 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Fleming, Ferguson, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—94.

Mr. Knowlton voting in the negative.

So the bill passed.

Mr. Veatch moved to amend the title as follows :

“And to repeal all laws in conflict therewith.”

Which was agreed to.

The title as amended was then adopted.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Mr. Branham, by unanimous consent, presented the following:

OFFICE OF AUDITOR OF STATE, }
Indianapolis, March 2, 1861. }

I, Albert Lange, Auditor of State of the State of Indiana, do hereby certify that the following amounts have been retained from the estimates of work done by Talbott & Costigan, contractors for the building of the Northern State Prison, being 10 per cent. of the amount of the estimates, viz:

Retained upon estimate No. 1.....	\$531 10
do do do do 2.....	875 66
do do do do 3.....	736 84
do do do do 4.....	461 00
do do do do 5.....	1454 06

Total retained..... \$4,058 66

And that there is a balance due upon estimate No. 5 of.. 9,515 61

\$13,574 27

All of which appear of record in my office.

Witness my hand and seal the day and year above written.

ALBERT LANGE, *Auditor of State.*

By T. G. PALMER, *Dep.*

Which was referred to the Committee on Claims.

Mr. Branham, from the Committee on Ways and Means, asked and obtained leave to make the following report:

MR. SPEAKER:

The Committee on Ways and Means, to whom was referred House bill No. 336 entitled "a bill making general appropriations for the years 1861 and 1862," have had the bill under consideration, and herewith report the same back to the House, with the following amendments:

In section 1, page 2, strike out "one hundred and twenty-five thousand dollars," and insert "principal and interest one hundred and twenty-five thousand two hundred and fifty dollars."

Also, on page second, strike out "seventy-five thousand dollars,"

and insert "principal and interest, seventy-five thousand nine hundred and seventy-eight dollars."

Also, on page fourth, after the words "five hundred dollars," insert "for the salary of Attorney General, one thousand dollars."

Also, on page 5, in the following clause, "for fuel, stationery, postage and incidentals, four thousand dollars," strike out the words four thousand dollars, and insert "six thousand two hundred and fifty dollars, to-wit: for the Governor's office, five hundred dollars; for the Secretary of State's office, one thousand dollars: for the Auditor of State's office, fifteen hundred dollars; for the Treasurer of State's office, to include the purchase of a fire and burglar-proof safe, and to defray the cost of exchange or of the transmission of funds to New York, two thousand five hundred dollars; for the office of Superintendent of Public Instruction, seven hundred and fifty dollars; for the rent of the State offices, payable on the first day of November, 1861, eighteen hundred dollars; for the current expenses and officers' salaries of the State Prison north, ——— thousand dollars; for the current expenses and officers' salaries of the State Prison South, fourteen thousand dollars, and to pay the present indebtedness, ten thousand dollars; for repairs of the Governor's house and grounds, two thousand dollars, with the privilege to the Governor, should he prefer, of renting another residence and defraying the rent of the same out of the appropriation hereby made.

That the blank on page 6, after the words "Indiana Reports," be filled with the words "two thousand."

That the blank in section third, page seven, providing for an appropriation to the Deaf and Dumb Asylum, be filled with the words "twenty-seven thousand five hundred."

That the blank on page seven, section four, providing for an appropriation to the Blind Asylum, be filled with the words "sixteen thousand."

That the blank on page seven, section five, providing for an appropriation for the Hospital for the Insane, be filled with the words "thirty-five thousand."

In section seven, page nine, that the words "seventy one thousand dollars" be stricken out, and the words "seventy-one thousand two hundred and ninety-three dollars and seventeen cents." be inserted.

That section eight, on page ten, be stricken out and sections eight, nine, ten, eleven and twelve herewith submitted, be inserted.

The report was concurred in, and amendments adopted.

The bill was then ordered to be engrossed.

Mr. Branham moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 336, was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Henricks, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Wilson, Woodhull, Woods and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. Heffren and Stotsenburg—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Burgess, from the Joint Committee on State Prisons, by unanimous consent, made the following report:

MR. SPEAKER:

The Joint Committee of the Senate and House of Representatives to investigate the fraud, if any, detrimental to the interest of the State, in the location of the Northern State Prison, and in the contracts for the construction of the same, and to report to the House what legislation, if any, will be necessary to correct the evils of said location and letting of said contracts, beg leave to report—

That on the 5th day of March, 1859, the Legislature passed an act to provide for the erection of a new Prison north of the National

Road, the election of officers therefor, making appropriations, and for the regulation of the same. That the two first sections of said act are as follows:

“SEC. 1. That there shall be elected by a joint vote of the General Assembly of the State of Indiana, at its present session, three Directors; and in case of failure to elect, then to be appointed by the Governor, who are hereby constituted a Board of Control to superintend the letting and construction of a State Prison in that part of the State lying north of the National Road. Said Directors shall hold their office for the term of two years, and until their successors are elected and qualified.

“SEC. 2. It shall be the duty of said Board of Control, after a careful examination, to select, in that part of the State, a suitable site for the location of a State Prison, which selection, when made, shall be reported to the Governor for his approval, and when approved by him, shall be the place at which said Prison shall be erected; and if disapproved by him, said Board shall, without further delay or examination, select another site or sites, until said Board and Governor shall agree on a place for the erection of said prison.”

They find that the Legislature did not elect as contemplated by said act, the three Directors; whereupon Governor Willard appointed John W. Blake, of Clinton county, B. F. Mullen, of Ripley county, and John P. Dunn, of Marion county, said Directors, who, at their first meeting, on the 16th day of March, 1859, elected Mr. Blake President of their Board, and Mr. Dunn, Secretary; and at the same time they elected Edwin May, Esq., Architect, and C. W. Seely, Superintendent of construction and *ex officio* Warden.

The Directors, after visiting many points in various parts of the State, agreed to make the location of the Prison at Fort Wayne, Allen county, on the eastern border of the State, a very eligible point had it been more central. By the statute the Governor had to approve the location before the same would be effectual. He declined to give his approval to that location, and the same was not made at that point, and no location was made until the 2d of March, 1860, when it was finally made at Michigan City, a small village on Lake Michigan, near the north-west corner of the State.

The evidence before the committee shows that when the Directors were about locating the prison at Fort Wayne, at least one of their number (Mr. Mullen,) made overtures to persons at Fort Wayne for private gain, because of their favoring the location at that point; and that Mr. Mullen demanded that they procure and donate to him the residence of Col. Spencer, at that place, of about the value of \$5,000.

That Mr. May, the Architect, had offers made to him for the benefit of the Directors, because of their favoring Fort Wayne as the point of location, which Mr. May at first refused to receive. The Directors also told Mr. May that such offers would be made at the points they would visit. He declared it would be unprofessional for him to have anything to do with it; but upon the intimation and threat

of the Directors, that if he did not he would be discharged, and some one "in whom were combined both qualities" (Architect and taking money in that way) would be put in his place.

Mr. May, not desiring to be discharged, and, as he swears, supposing it would be an inconsiderable matter, consented to, and did receive in cash \$10,000, a note of \$10,000, and a power of attorney to authorize him to draw \$10,000 more from the State Treasury, making in all \$30,000, which he swears was received as a bribe "to be distributed among the members of the Board of Control and himself in the event that the prison was located at Fort Wayne."

It may also be stated that the Directors deny any complicity with this bribe, but the evidence by disinterested and highly credible witnesses, from facts and the statements of the Directors themselves, show beyond all reasonable doubt that they not only knew all about it, but planned the whole scheme, and while Mr. May had the \$10,000 in his hands, Mr. Mullen, or Blake, or both of them, demanded it to be paid over to them. This Mr. May refused, and the prison not being finally located at Fort Wayne, the money and the note were returned to those from whom he got them.

This attempted fraud, and the corruption shown therein, is without a parallel in the history of Indiana, unless it may have an equal in the loss to the Common School Fund of the "Swamp Lands" of the State.

The trouble as to the location, was in consequence of a disagreement between the Directors and the Governor, the latter desiring it at Logansport, and the former at Fort Wayne. The Governor declaring his preference for Logansport, because, as he said, it would be a saving to the State in the price of materials, to the amount of \$30,000. The position of the Governor on this point, is fully sustained by the evidence of Dr. Taylor, of Logansport, and the contrast between the price of materials at Logansport, and Michigan City.

Dr. Taylor testifies, that a committee of responsible citizens at Logansport offered to furnish and contract lumber on the grounds at \$10 to \$12 per M. (1000.) Ruble stone, 50 cents per perch, and brick on the grounds at \$3 50 to \$4 00 per 1000. And it appears afterwards, when the Board, in presence of the Governor, were canvassing the relative merits of Logansport with other points, they (the board) had estimated these prices three or four times as high as really given by the Logansport committee to the Governor. As an instance, stone that had been given at 50 cents per perch, they had estimated at \$2 per perch. Taking all the evidence together, it shows that there would have been a large saving to the State, especially in the price of materials, had the location been made at some point on the Wabash River, instead of at Michigan City.

It also appears that donations were offered, and could have been easily procured to the State, by the citizens of both Fort Wayne and Logansport; so that the 100 acres of ground would have been given to the State, without any cost whatever, and thus made a saving to the State, of at least \$4,500 paid for the land at Michigan City.

It is also apparent, that the \$30,000 offered to the directors for the location at Fort Wayne, could have been honorably procured to the State, and would have been a saving of that amount to the State Treasury, if a fair course had been pursued.

The third section of the law, provides for the advertisement and letting the contract for the building of the prison, and that in the contracts, provisions shall be made for working 150 convict laborers, at not less than 70 cents per day, to be allowed to the State out of the contract price.

And the fifth section declares, that said prison shall *not cost*, exclusive of the convict labor aforesaid, *to exceed the sum of fifty thousand dollars.*

The committee find that the Directors advertised a letting of the work, and that they would receive proposals *until* the 7th day of May, 1860, at 12 o'clock, M.; that by that time, there had been nine bids submitted to a part of the Board, (Mr. Mullen being absent at Washington City. The Governor was also absent, attending the Charleston Convention;) including those of P. J. Moore, and George W. Dunlap, and a bid of W. H. Talbott & Co., composed of W. H. Talbott, a silversmith and jeweler of the city of Indianapolis, and F. Costigan, of the same city, an architect and builder.

The only bid that embraced the entire work, was that of Talbott & Co., and it appears that their bid was not submitted by the time allowed, nor until after the Governor and Mr. Mullen had returned, when the Board, together with the Governor, had their first meeting, on the — day of July, when for the first time, Talbott & Co's bid was produced by the Governor, who took it from his drawer, stating that it had been left in his absence. They finally, after advising with the Attorney General, concluded to consider that bid with the rest.

The plumbing was awarded to P. J. Moore, of Cincinnati, and all the work was passed upon at their first meeting; and the Board and Governor, agreed to award all before their separation, except the brick work.

George W. Dunlap's bid was for a heavy portion of the work, including foundation work, stone, brick, iron, carpenters work, &c., but did not include all the work.

The law, terms of letting, proposals and all, allowed and contemplated the letting to be in parcels, to different persons.

It was found, upon a comparison of the bids of Talbott & Co., with that of Dunlap, upon a portion of the items, the difference in favor of Dunlap's bid was \$31,898,71, as shown by the report of the architect, and as shown by other witnesses, was a much larger amount.

Mr. Dunlap computes the amounts that the work would come to, in his evidence, and under oath states, that under the bid of Talbott & Co., the work would amount to\$147,046,32
Under his, (Dunlap's) bid, to..... 90,952,99

Difference in favor of Dunlap's bid..... \$56,093,33

Mr. Dunlap's evidence and estimates, are strongly corroborated by other witnesses, who are workmen, builders and architects.

In this situation of the bids, (no contract yet closed,) at least a part of the Directors, and the Governor, combined, and went to work to induce Dunlap's bid to be withdrawn, or vacated: the Governor visiting the parties, and seemingly doing all in his power to bring about such a result.

Finally, after several days negotiation between the parties, the Governor, Directors, Talbott & Co., and Mr. Bagot, who was a partner in Dunlap's bid, it was agreed that Talbott should pay Bagot \$1,000, to withdraw his name as partner from Dunlap's bid; and B. F. Mullen, one of the Directors, paid over in cash to Bagot, \$500, and took the receipt for it in the name of Talbott & Co., and was to pay the other \$500 to Bagot, on the following Tuesday. That when the time arrived for its payment, B. F. Mullen refused to pay the money to Bagot, on the ground that his brother, Alex. Mullen, was also a partner in the Dunlap bid, and that \$500 should go to him; and although B. F. Mullen swears that he took the last \$500, and paid it over to his brother, yet there is good reason to believe that such was not the fact, but that *he* was a *secret* partner in the Dunlap bid, and retained the \$500 himself; and most likely B. F. Mullen *was* the real partner, instead of his brother Alexander, whose name is used in the contract of partnership of the firm, under the name of "Geo. W. Dunlap."

At the time of the payment by B. F. Mullen of the \$500 to Bagot, he (Bagot,) signed a letter that had been prepared by Mullen for the purpose, by which Bagot withdrew from the Dunlap firm.

After the withdrawal of Bagot, it was then claimed by Mullen, Blake and the Governor, that the Dunlap firm was not sufficiently safe. Maj. Dunn, however, contended otherwise, and to the last was for considering the Dunlap bid.

The evidence abundantly shows that Dunlap was good—always fulfilled his contracts, and there was no objections raised that he could not give good bondsmen or security for his performance. One of his securities offered, was the Hon. James Guthrie, of Kentucky.

But Mullen, Blake and the Governor, overruled Maj. Dunn, and refused the further consideration of Dunlap's bid, and awarded the whole of the letting, except the plumbing, (which had been let to Mr. Moore,) to Talbott & Co., thereby losing to the State the difference, as before shown, between these two bids, being as much as the whole appropriation by the Legislature for doing the work.

It is expressly provided in the law, that neither of the Directors of the then present State Prison, nor any officer, agent, employee thereof, or person connected therewith in anywise, nor any officer named in said act, should contract for any portion of the work therein provided for, or have *any interest, directly or indirectly*, therein, except to see that the same was faithfully executed: yet, in the face of this statute, one of the Directors, as above shown, was at least *indirectly*, if not *directly*, deeply interested in the Dunlap bid; and three

of them actively interested themselves to procure the withdrawal of the Dunlap bid, with a view of favoring Talbott & Co., and the awarding of the whole work, except the plumbing, to them: and for which favor, as shown by the members of the Board, Talbott & Co. paid over, through one of their number, \$1,000, to buy off the fair competition of the lower bid of Dunlap, by which the State actually lost, as the preponderance of evidence shows, \$56,093 33.

The contract of Talbott & Co. having thus been obtained by fraudulent and unfair means, and at exorbitantly high prices, as the evidence shows, and much higher than another responsible bidder; and that too by the acts of Talbott & Co., preventing fair competition in the bidding, legally is not binding on the State, and in justice should be avoided.

It is true that a part of the Board, whose duty it was to faithfully represent the interest of the State, contributed to the fraud, but the law clearly prescribes their duty, which was known to Talbott & Co., and is no excuse to them to practice a fraud upon the State, because her agents had been unfaithful in the discharge of their duty.

It may be further said, that the Directors, who were the mere agents of the State, were only authorized to make contracts, for the erection of a Prison that would not cost the State "to exceed the sum of fifty thousand dollars," exclusive of the convict labor to be provided for in the contracts; hence, they had no authority to bind the State in a contract with Talbott & Co., to the amount of \$147,814 55, and when Talbott & Co. made such a contract with them, it was at their own peril, and not binding upon the State, unless the State through her legally constituted authority should ratify and confirm the same, which it is hoped will not be done.

It is disclosed by the evidence, that from the time of the election by the Board, (March 16th, 1859,) of the Architect, and Superintendent of Construction, and *ex officio* Warden, the Board of Control *allowed* to the Superintendent and Warden, as Superintendent \$3,00 per day for his services, and a like sum for expenses, \$800 as Warden, making \$2,990 00 per annum for his services; notwithstanding there was no location of the prison until March 2, 1860, and no convicts at the place of location until April 5th, 1860, and no need whatever for his services prior to the letting and commencing of the work on the buildings.

It is hereafter shown how much Mr. Seely has received personally for himself, but that may be very uncertain, as \$46,513 08 is shown to have been paid to him for salary and for contingent expenses at the prison.

The statute provided for the payment to the Directors and Superintendent for the time they should be *necessarily and actually employed* in their duties required by the statute; each \$3 per day for their services. How much of their time has been *necessarily and accurately* employed, the committee have no accurate data; but suppose that from the 16th day of March, 1859, to the 1st day of January, 1861, (one year, nine and a half months,) the Directors were *actually*

employed one year, 365 days; each, then, would have been entitled to receive by the statute, as members of the Legislature receive theirs under a similar statute, at \$3 per day, \$1,095 00; but the evidence shows they received—

B. F. Mullen,.....	\$4,198 83
John W. Blake,.....	4,178 43
John P. Dunn,.....	4,160 94
C. W. Seely, Superintendent,.....	3,758 94
Edwin May, Architect,.....	4,245 52

Making.....\$20,542 66

Counting that each Director was necessarily engaged as above, 365 days, (which the committee believes is larger than is warranted from the evidence,) they have received, instead of \$3 per day, about \$11 50 per day.

The employment by the Board, of the Architect, Superintendent, and other minor officers for the prison, a year before the location and letting of the contracts, and putting them under pay at high rates, the committee are compelled to say was not only useless, but a needless waste of the public money.

The following is a copy of the Register of Warrants paid at the State Treasury, on account of the prisons:

NO.	DATE.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
8559	April 16, 1859.	B. F. Mullen.	Per diem and expense.	\$316 94
8560	" "	J. W. Blake.	" "	316 94
8561	" "	J. P. Dunn.	(Not issued).	
8562	" "	Edwin May.	Expense locating prison.	297 94
8566	April 18, 1859.	J. P. Dunn.	Per diem and expense.	307 94
8825	May 25, 1859.	E. May.	Pay as architect.	294 00
8821	" "	B. F. Mullen.	Per diem and expense.	255 81
8825	" "	J. W. Blake.	" "	255 81
8828	" "	J. P. Dunn.	" "	257 00
8639	June 27, 1859.	J. P. Dunn.	" "	90 00
8674	July 2, 1859.	B. F. Mullen.	" "	90 00
9049	July 12, 1859.	B. F. Mullen.	" "	192 00
9047	" "	J. W. Blake.	" "	291 00
9051	" "	Ed. May.	Services rendered Board.	150 00
9050	" "	John P. Dunn.	Per diem and expense.	170 00
9825	March 2, 1860.	J. W. Blake.	" "	1,422 00
9826	" "	John P. Dunn.	" "	1,422 00
9827	" "	B. F. Mullen.	" "	1,422 00
9870	March 23, 1860.	C. W. Seely.	Sundry expenses.	1,225 05
9967	April 16, 1860.	D. W. Miller.	Clothing for convicts.	445 72
9639	April 25, 1859.	C. W. Seely.	Current expenses.	2,216 22
1060	" "	C. W. Seely.	Per diem and expense Warden.	2,048 94
1047	April 30, 1859.	L. & I. R. R. Co.	Carrying convicts.	61 00
151	May 18, 1860.	D. W. Miller.	Clothing for convicts.	727 50
155	May 19, 1860.	L. & I. R. R. Co.	Carrying convicts.	55 00
159	May 21, 1860.	Adam Knab.	Stripes, &c.	528 19
169	May 22, 1860.	Norman, M. & Matthews.	Sundries.	520 85
175	May 23, 1860.	J. W. Blake.	Per diem and expense.	500 09
176	" "	B. F. Mullen.	" "	492 00
182	" "	E. May.	Salary as architect.	1,959 31
198	May 28, 1860.	Bingham & Doughty.	Advertising.	128 75
209	May 30, 1860.	John P. Dunn.	Per diem and expense.	492 00
229	June 2, 1860.	C. W. Seely.	Expense from April 1 to June 1.	5,509 42
278	June 24, 1860.	D. W. Miller.	Conveying convicts.	109 35
327	July 2, 1860.	Bryant & Lord.	On engine.	2,000 00
328	" "	C. W. Seely.	Sundries.	5,439 32
384	July 12, 1860.	J. W. Blake.	Per diem and expense.	228 00
385	" "	B. F. Mullen.	" "	228 00
386	" "	A. J. Mullen.	Salary.	66 66
397	July 19, 1860.	Bryant & Lord.	Balance on engine.	1,520 00
413	July 19, 1860.	B. D. Angell.	Clerk.	83 33
414	July 19, 1860.	Lot Day, jr.	Deputy Warden.	66 66
415	" "	John P. Dunn.	Salary and expenses.	228 00
446	July 31, 1860.	L. & I. R. R. Co.	Carrying convicts.	57 00
450	" "	Jeffersonville R. R. Co.	" "	284 40
464	August 3, 1860.	C. W. Seely.	Orders paid.	6,082 39
466	" "	Talbott & Co.	On estimate No. 1.	4,579 95
470	August 4, 1860.	Edwin May.	Salary.	296 20
534	September 3, 1860.	C. W. Seely.	Current expenses.	2,813 05
536	" "	Talbott & Co.	Estimate No. 2.	7,881 62
570	September 27, 1860.	C. B. Blair.	For real estate.	4,560 00
579	September 29, 1860.	J. W. Blake.	Per diem and expense.	552 00
581	" "	C. W. Seely.	Current expenses.	4,179 28
582	" "	Ed. May.	Salary.	617 38
588	" "	B. F. Mullen.	" "	552 00
593	October 1, 1860.	Talbott & Co.	Estimate No. 3.	6,631 63
748	November 3, 1860.	C. W. Seely.	Current expenses.	4,083 94
749	" "	C. W. Seely.	Salary and expenses.	186 00
750	" "	J. P. Dunn.	" "	186 00
751	" "	J. W. Blake.	" "	186 00
752	" "	Talbott & Co.	Estimate No. 4.	4,149 06
810	November 24, 1860.	B. F. Mullen.	Salary.	186 00
854	December 3, 1860.	C. W. Seely.	Current expenses.	6,909 95
855	" "	C. W. Seely.	Salary.	180 00
856	" "	B. F. Mullen.	" "	188 00
867	" "	J. P. Dunn.	" "	180 00
858	" "	J. W. Blake.	" "	180 00
915	December 18, 1860.	L. N. A. & C. R. R. Co.	Carrying convicts.	1,057 70
939	December 22, 1860.	L. N. A. & C. R. R. Co.	Freight on machinery.	167 93
1001	January 2, 1861.	J. W. Blake.	Salary.	186 00
1002	" "	B. F. Mullen.	" "	186 00
1003	" "	J. P. Dunn.	" "	186 00
1004	" "	C. W. Seely.	Current expenses.	5,497 20
1013	" "	P. J. Moore.	On plumbing.	563 25
1018	January 3, 1861.	Talbott & Co.	Estimate No. 5.	3,573 15
1062	January 15, 1861.	J. W. Blake.	Salary and expenses.	90 00
1069	" "	B. F. Mullen.	" "	90 00
1096	" "	J. P. Dunn.	" "	90 00
1091	" "	C. W. Seely.	" "	90 00
1092	" "	C. W. Seely.	Current expenses.	659 31

\$101,752 80

RECAPITULATION.

B. F. Mullen.....	\$4,198	83
J. P. Dunn.....	3,608	94
J. W. Blake.....	4,178	43
Edwin May.....	3,494	86
C. W. Seely.....	46,513	08
D. W. Miller.....	1,283	17
Talbott & Co.....	27,014	83
L. N. A. & C. R. R. Co.....	1,225	66
L. & I. R. R. Co.....	173	00
Jeffersonville R. R. Co.....	284	40
Adam Knab.....	528	10
Norman, Morris & Mathews.....	320	85
Bingham & Doughty.....	128	75
Bryant & Lord.....	3,520	00
C. B. Blair.....	4,500	00
A. J. Mullen.....	66	66
B. D. Angell.....	83	33
Lot Day, jr.....	66	66
P. J. Moore.....	563	25

\$101,752 80

The estimate of the amount of work to be done by Talbott & Co. under their contract, as estimated by Edwin May, the architect, under the Board of Control, is.....	\$147,814	55
The estimate of the work done under the contract as made by Mr. May, upon measurement of the work by Messrs. McKim & Hodgson, architects, employed by the Board, is.....	47,238	20
Balance to complete contract.....	100,576	35
The estimate of work done under Talbott & Co.'s contract Made by J. L. Smithmyer architect employed by Committee.....	40,262	26
Deducted from estimated cost of work leaves balance...	107,552	29
Which sum will be required to complete the contract with Talbott & Co.		

The report made under oath by J. L. Smithmyer, architect, employed by the Committee, marked "A," is hereto attached and made a part of this report, which exhibits the present condition of the work done by Talbott & Co., and shows the amount of work done under, and *by the terms of contract* as estimated by Mr.

Smithmyer to be	\$40,262	26
Paid them cash.....	\$27,014	83
In convict labor as per report of Sup't.....	6,714	00
	33,728	83
Making difference in estimate and payments of.....	\$8,533	43

Amount of all warrants paid at State Treasury is.....	101,752 80
Amount of convict labor-less amount done for Talbott & Co., under contract.....	19,316 29
Amount paid by the State.....	121,069 09

The Committee believe, however, that the *fair value* of the work of Talbott & Co. is much less than the above estimate, if made without regard to the contract.

Amount as above, cash drawn from State Treasury	101,752 80
Paid in cash on contract of Talbott & Co.....	27,014 83
Paid P. J. Moore on plumbing contract.....	563 25
	<hr/> 27,577 08

Leaving amount otherwise expended	\$74,175 72
Of this sum the three Directors, Architect and Superintendent have received personally	\$20,356 66

An accurate calculation of the amount of money paid to the Directors, Architect, Superintendent, Physician, Clerks, and other officers of the Prison, for their personal services, would be larger than the whole amount paid to the contractors upon the prosecution of the work.

The committee may also state that there was no authority of law to authorize the Auditor and Treasurer of State to audit and pay out to the officers of the prison any amount, over and above that specified in the act of March 5th, 1859, nor had they any authority by law to audit and pay any money on account of the construction of the prison, above the \$50,000 appropriated by the Legislature. And the committee will take this occasion to recommend that the most stringent statutes should be passed, prohibiting the State officers from auditing and paying out money not appropriated by act of the General Assembly.

Had the Board of Control, and the officers of State, been limited in their expenditures, by reason of the existence of criminal statutes, this outrage upon the State would have been prevented.

The following shows the amount expended, under appropriate heads, as shown by the books at the prison, as kept by B. D. Angell, clerk:

HEADINGS OF ACCOUNT.

Printing and Stationery.....	\$1,259 12
Teams	3,025 45
Expense.....	169 84
Temporary keeping of prisoners	4,818 66
Furniture	1,568 13
Bedding	884 09
Fuel and lights.....	736 21

Armory	133 65
Repairs of Prison.....	684 00
Hardware.....	37 55
Clothing.....	4,326 15
Farm	128 97
Guards	9,128 18
Provisions.....	5,645 27
Hospital.....	811 40
Escaped convicts	787 58
Salary	6,057 88
Implements.....	373 14
Traveling expenses	138 50
Engine and machinery	4,793 82
Transferring prisoners.....	613 07
Tobacco.....	160 38
Repairing of prison grounds	1,158 44
Engine, guard, eating house and well	903 62
Discharged convicts	510 00
Directors' salary and expenses.....	12,082 20
Architects' " " "	4,150 19
Rent of railroad car.....	52 00
Contingent expenses.....	107 71
New prison.....	2,019 50
Expense extraordinary.....	145 00

Statement of expense for first half of January, 1861:

Salary	\$178 32
Discharged convicts	60 00
Expense.....	7 80
Directors' salary and expense.....	270 00
Architects' " " "	95 33
Provisions	366 62
Printing and Stationery	3 50
Temporary safe-keeping of prisoners.....	37 74
	<hr/>
	\$68,431 02

The average cost of keeping the convicts from the 16th of April, 1860, to the 16th of January, 1861, (a period of about nine months,) was about seventy-five dollars each, excluding the extraordinary expense of temporary cells and guards.

This over double the cost of keeping convicts in the Old State Prison, and about three times the amount of similar expenses in the prison of our neighboring State of Illinois, as shown by their report before the committee.

The stationary engine and fixtures, two pairs of French burrs and fixtures for grist mill, cost the State \$4,793 82, and are not only of no use to the prison, but an actual and continual expense, and were

purchased improvidently, and without any authority by law, as they are no part of the building authorized to be erected.

The item in the above account for "traveling expenses \$138 50" is shown by the books to have been allowed by the Board of Control for traveling expenses to C. W. Seely, \$43.50, traveling to Indianapolis at letting of contracts and to get money, and he at the same time under wages at \$3.00 per day, and allowed and paid regularly \$3.00 per day for expenses besides, and yet this \$43.50 is allowed him for expenses in addition.

The balance of said item, \$95, was paid to B. D. Angell, clerk, who was under pay at \$1,000 per year, for traveling expenses to Joliet, and other points, to examine the mode of keeping books, &c., of other prisons; or in other words, to learn how to do the work he was employed to do.

There are many articles which have been purchased at the prison that are an imposition upon the State, and we might name one "top buggy, \$250: 2 buffalo robes, \$20; sleighs, \$75," and many other very convenient articles to be owned by individuals, and even might not be unbecoming to officers of a State prison if purchased with their own money, but very unhandy property to be jointly enjoyed by over a million of people.

For further particulars as to expense at the prison, the committee refer the Legislature to the most important parts of the book accounts rendered by B. D. Angell, clerk, and attached hereto as a part of this report, marked B, C, D, E, F, G, H, I, J, K, L.

Edwin May, Architect, was employed by the Board, at \$2,000 per year, and in addition was *allowed* by the Board \$5,000 for his "plans," or "plans and improvements," as some of the witnesses term them, but this \$5,000, fortunately for the State, though allowed by the Board, has not been paid, and never should be, as his employment at a high salary should bring with him his "plans," skill and reasonable ability to discharge the duties he was employed to perform.

The following estimate may be fairly made of the losses to the State by improvident management of the location, contracting, and control of the Northern State Prison.

If the location had been at Fort Wayne or Logansport, a saving by donation at the one, or in cost of material, and donation at the other, as stated by Governor Willard, would have been—

\$30,000 00

Excess of cost of shipment and traveling expenses on account of remoteness of location, say.....	5,000 00
Excess of Talbott & Co's bid over that of Dunlap.....	56,093 33
Excess paid to Directors over lawful wages.....	9,243 20
Excess to Seely do	2,663 94
The whole expense at 25 per cent. too large, as the evidence shows	17,100 25
Paid for land.....	4,500 00

Loss.....124,600 72

Of the above loss to the State, the following has been paid in money from the treasury :

Excess of price on Talbott & Co., work done.....	\$14,023	33
Excess to Directors.....	9,243	20
Excess to Seely.....	2,663	94
Excess of expenses at prison.....	17,100	25
Paid for land.....	4,500	00
		<hr/>
Actual money lost.....	\$47,530	72

How the difference as to the points of location, between the Governor on the one side, in favor of Logansport, and the Directors on the other side, in favor of Fort Wayne, was so magic-like terminated, and the location fixed at Michigan City, is not satisfactorily explained to the committee. A Mr. Achey, the keeper of a boarding house in the city of Indianapolis, swears that he was the peace commissioner—the angel of mercy—that did the whole thing, and that without him there could not have been anything done that was done. That he told the Directors he would see the Governor, and he “could fix it.” He did see the Governor, fixed the matter up, and harmoniously had the location made at Michigan City. He swears that when he went into it, he was “for sale,” and was to have \$1,000 for what he did. Who was to pay him, he does not disclose.

The committee made efforts to ascertain if any improper inducements were offered or paid to procure the present location of the prison, and for that purpose issued a subpoena for Chaney P. Blair, the grantor of the land at Michigan City, who, however, could not be got before the committee.

He would have been more likely to have known it if there were anything of the kind than any other person.

The committee deem it highly necessary to bring to the attention of the Legislature the peculiar form and wording of the deed to the State for the one hundred acres of land upon which the prison is located. That part of the deed necessary to be noticed is as follows :

“Chaney P. Blair and Caroline Blair his wife, convey and warrant to the State of Indiana, for the purpose of building a new State Prison, under the act of the Legislature of Indiana, approved March 5th, 1859, being an act to provide for the erection of a new prison, north of the National Road, for the sum of four thousand five hundred dollars.”

It then describes the land, is dated, signed, acknowledged and recorded.

The legal question that presents itself is, does this deed convey to the State a fee simple estate, or one for the purpose of being used for a State prison only, and to revert to the grantor when it ceases to be so used?

The estimate of the work with suitable buildings to work 784 con-
H. J.—55.

viets, as made by the Architect of the Board of Control, is as follows:

Main wall and towers	\$53,281 50
Officers.....	3,821 04
Guard house.....	10,348 01
Two wings, cell house.....	157,685 36
Two Work Shops.....	\$21,507 48
Work Shop 200 feet long.....	15,482 32
Two wings of Work Shop, 132 feet long.....	19,944 98
Hospital Buildings.....	31,339 07
Engine House.....	5,994 50
Smith Shops	6,594 48
Bath House	3,407 79
Warden's Residence	8,000 00
Total	<hr/> \$337,406 51

The estimated cost of buildings of sufficient capacity to work 380 convicts is \$167,735 27; but to construct them of that capacity, at the same rates at which the work has been done by the State, would cost *over* one million of dollars.

The committee recommend that the Attorney General be directed to institute suit against each and every person or officer who has received or paid over money without authority of law, as hereinbefore indicated, and that immediate steps be taken by the Legislature to select other Directors for said prison, and they recommend a passage of a joint resolution declaring the contract with Talbott & Co. null and void, as having been obtained by illegal and fraudulent means. And we further recommend that the said Talbott & Co. be allowed a fair compensation for work already done in connection with the said Northern State Prison, deducting what they have hitherto received.

D. R. BEARSS,
LUCIUS BINGHAM,
RICHARD M. HAWORTH,
J. H. MELLETT,
M. JENKINSON,
JOHN G. CRAIN,
D. C. ANTHONY,
M. C. CULVER,
C. L. MURRAY.

We concur in the foregoing report with the additional recommendation, that no further appropriation be made towards the completion of said prison.

M. L. BRETT,
JAMES BURGESS.

[A.]

ARCHITECT'S REPORT.

To the Honorable Committee of Investigation of the Northern State Prison :

GENTLEMEN:—In accordance with the following resolutions, passed by the General Assembly of the State of Indiana, on the 23d day of January, 1861:

“Resolved, That the Committee on the part of the Senate and House of Representative be authorized to employ a professional Architect to assist them in the investigation of the affairs of the Northern State Prison, and in their inquiries into the costs of the construction of the same.”

And in accordance with the resolutions passed by your Honorable Body on the 24th day of January, 1861, at Michigan City, as follows herewith:

“Resolved, That John L. Smithmyer be, and he is hereby, employed by the Joint Committee of the Senate and House of Representatives, to measure and estimate the work now done towards the construction of the Northern Prison, to ascertain whether the work has been done in accordance with the contract, plans and specifications upon which the work has been done: also to estimate the cost of the completion of said Prison according to said contract, plan and specifications, and to ascertain whether the foundation and structure so far has been done in a substantial manner.”

I herewith submit for your consideration my report of that branch of investigation with which I was entrusted by your Honorably Body.

My estimate of the work done is attached to this report, and is made according to a fair and most universally adopted mode of measurement, and is in strict accordance with the prices of material and labor, as contracted by Messrs. Talbott & Co. with the Board of Control, in behalf of the State of Indiana.

REPORT:

Since the Legislature appropriated \$50,000 for the purpose of erecting a State Prison north of the National Road, and since the locality for the Prison was finally determined by the Commissioners appointed for that purpose, a considerable amount of work has been done towards the accomplishment of that object. It is true that some por-

tions of the work do not fully meet with my views of first-class work, but this, however, is partly owing to the contract, which demands the engagement of a certain number of inexperienced and unwilling convict laborers, and partly to the lateness of the season for the commencement of such a work. Nevertheless, what has been done, answers its purpose well.

The imperfection of the contract and specification entered into by Messrs. Talbott & Co. and the Board of Control, gave rise to a question between the contractors and myself in regard to the measurements.

Not considering myself authorized to decide that matter, I thought it my duty to have it brought before your Honorable Body for decision.

In compliance with my instructions, and in absence of a specified mode of measurement in the contract, I have measured all the work done in the customary manner and estimated it according to the contract prices.

The difficulty of measuring and estimating such parts of the structure (i. e., iron,) as cannot be seen, without tearing down a large portion of the wall, will be apparent to you at once, and although these parts are of very little consequence in regard to the amount of expenses in the final estimate, (in which liberal allowances are made for them,) I would not insist upon the correctness of their details, whilst all the visible work is measured with such accuracy as will not permit the slightest deviation.

All such works as have been verbally agreed by the contractors to be made over again, (because they have not given satisfaction,) I could not report as done, nor could I add or deduct any amount for work not done in accordance with the contract or specification. In that case I deemed it right and in agreement with my instructions, to estimate such work according to the general contract prices.

The following items I have specified on account of their importance in the estimate of the work:

1. Works found in unfinished condition as follows:

A: The pointing up of the rubble stone work, above the grade line.

B: The windows throughout the building (shop) to be with cords and weights. (They are without cords and weights.)

2. Works found in violation of the specifications as follows:

A: The outside facing of the main wall, prison and towers to be of best quality of pressed (selected) brick. (They are, so far, of common brick.)

B: The floor are to be of mill-worked, matched $1\frac{1}{4}$ inch stuff. (I find one floor not matched, and both floors of one inch thickness.)

C: All the lumber to be of the best quality, free from unsound

knots, shakes, or other defects, and thoroughly seasoned. (This I find not so.)

D: The glass (lights) to be of double thickness. (I find them single thickness.)

3. I also find a few disagreements between the contract and specification as follow herewith:

A: The contract stipulates no price for the brick pavement, and the specification demands that work.

B: The contract allows to the contractors 10 cents per foot for flues under 12 inches, and 18 cents per foot for flues over 12 inches. The specification demands all the flues and drains (as directed by the Architect.) to be done free of charge, by the contractors.

4. There are 16,600 feet of lumber and the trimmings of 16 doors, used for temporary partitions, which lumber and trimmings I cannot take into account, because it is only temporary, and belongs not to the permanent structure.

5. I find in the specification "Conditions for the performance of the several works, in the respective trades, as set forth in and according to the accompanying specifications," &c., and in the contract, "That all deviations and alterations from the original contract or plans, additional expenses and work done, not mentioned in the contract, are subject to be allowed by the Board of Control."

Whether one or all of these abovementioned deviations from the contract or specification are made with the consent of the Board of Control, is not known to me.

I would here state, that I could not perform all my duties as demanded in your instructions to me, because the plans for the Prison have been withheld from me, in spite of the resolutions passed by the Legislature, authorizing me to demand them. That an estimate of the cost of the entire Prison (completed) cannot be made without the plans, will be evident to your Honorable Body. It is also conclusive that you fully understand the importance of an estimate of the whole work, and that you look upon it as a guidance, if not for your actions at all events for those of the future Board of Control.

The cost of the *work done* I hereby submit in my summary estimate.

All of which is respectfully submitted.

JNO. L. SMITHMYER,
*Architect of the Committee of Investigation
 of the Northern State Prison.*

INDIANAPOLIS, IND., Feb. 19, 1861.

ESTIMATE of the work performed towards the completion of the Northern State Prison at Michigan City, according to actual measurement, by John L. Smithmyer, Architect.

3,219 10-27 yards of Rubble Stone Masonry, at \$5 per yard square ..	\$16,097 76
2,307 1-4 feet of Cut Stone, at 60 cents per sup. foot....	1,384 35
Four Corbels.....	45 60
1,116,410 Brick in Wall, at \$6 50 per M.....	7,256 66
89,839 feet of rough Lumber, at \$16 per M.....	1,437 42
Framing of Timber and putting Lumber and Timber in Building.....	3,649 36
63 Window Frames, at \$10.....	630 00
2 Flights of Stairs, at \$22.....	44 00
16 Doors, at \$6 75.....	108 00
9 Door Frames, at \$10.....	90 00
1,416 Lights of Sash, glazed, at 50 cents per Light.....	708 00
1,585 yards of Pugging, at 25 cents per yard.....	396 25
86 squares of Corrugated Galvanized Roof, at \$16 per square	1,376 00
1,000 sup. feet of Guttering, at 80 cents per foot	800 00
236 lin. feet of Down Spouts, at 30 cents per foot.....	70 00
232 feet of Flues over 12 inches, at 18 cents per foot....	95 76
620 feet of Flues under 12 inches, at 10 cents per foot...	62 00
46,600 lbs. of Wrought Iron, at 9½ cents per lb.....	4,427 00
2,000 lbs. of Cast Iron, at 3 cents per lb.....	60 00
Painting Sash, Window Frames, Grates and other Iron...	100 00
600 lbs. of Sheet Lead, at 19 cents per lb.:.....	114 00
Stone, Brick, Iron, Lime, on hand.....	1,000 00
155 barrels of Cement, at \$2 per bbl.....	310 00
Total amount.....	\$40,262 26

Mr. Burgess moved that the report be laid on the table, without reading, and that five hundred copies be printed, for the use of the House.

Which was agreed to.

On motion by Mr. Bundy,

The order of business was suspended, and the following message taken up:

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representa-

tives, that the Senate has passed the following engrossed bill of the House, towit:

House bill No. 84. A bill regulating interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852; the fifty-first section of the "act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, and all other laws or parts of laws in conflict with this act, with the following engrossed amendment thereto:

Strike out all of the fifth section, after the word "if," in the 17th line, and insert the following: "A greater rate of interest than six dollars a year, for one hundred dollars shall have been paid thereon, whether in advance or not, judgment shall be rendered only for the amount of principal, deducting the excess of interest thus paid, at the time paid."

In which engrossed amendment, the concurrence of the House of Representatives is respectfully requested.

Mr. Bundy moved that the engrossed amendments of the Senate be concurred in.

Which was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Grover moved to take up the following message from the Senate:

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate, to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof, to-wit:

Nos. 55, 85, 108, 111, 119, 144, 146, 187, 193, 206, 210, 217, 233, and 245.

Senate bill No. 217. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith; and for the establishment of township libraries.

Mr. Grover moved that the rule be suspended, and Senate bill No. 217 be read a first and second times by its title.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Foidyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henrieks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—92.

So the rule was suspended, and the bill read a first time by its title.

Mr. Grover moved that the bill be read a second time by its title now.

Which was agreed to.

Senate bill No. 217 was read a second time by its title, and

On motion,

Was referred to the Committee on Education, with instructions to report immediately.

Mr. Grover, from the Committee on Education, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred Senate bill No. 217, "A bill to provide for a general system of common schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries," have had the same under consideration, and have instructed me to report it back, and recommend its passage, with the following amendments:

Amend section 3, line 7, by striking out the word "for."

Amend section 5, by adding thereto the following: "*Provided,*

That nothing herein contained shall be so construed as to prohibit incorporated cities and towns from electing more than one trustee for school purposes, and the said cities and towns shall have power, in accordance with their ordinances or special charters, to direct, in case more than one trustee is elected, which one shall be treasurer for school purposes, and said treasurer shall be governed by all the provisions of this act."

Amend section 35, by striking out all after the word "teach." and insert "and the examiner shall be entitled to a fee of \$1.00 for each male and 50 cents for each female applicant examined for license, to be paid by such applicant."

Add to section 46 these words: "except as provided in section 34 of this act."

Amend section 46, 10th line, by inserting "on" after the word "warrant."

Section 124, 9th line, strike out the words in brackets, as follows: [upon the warrant of the county auditor].

Section 128, last line, add the word "to" after the word "distributed."

Section 134, amend "boar" in the last sentence of the section so as to read "board."

Section 137, 2d line, add "of the" after "acts."

Section 143, 5th line, strike out the letter "s" from "treasurers," so as to make it read "treasurer."

The next section after 156, numbered "158," should be "157."

Amend section 116, 3d subdivision, by adding after the word "and," these words: "unclaimed fees."

The report was concurred in and the amendments adopted, and amendments were ordered to be engrossed.

Mr. Grover moved that the amendments be considered as engrossed and read a third time now.

Pending which,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

Pending the adjournment, was the motion made by Mr. Grover, to consider Senate bill No. 217 as engrossed, and read a third time.

Which was agreed to.

The bill was then read a third time.

Mr. Veatch, by unanimous consent, moved to amend the bill as follows:

Amend the first section by striking out all between the word "purposes" and the word "provided," and insert, "and on all taxable polls such sums as may be required by law."

Amend section one; strike out all after the word "its," and insert the word "passage."

Amend section 141, by striking out all after the word "purposes," and insert, "such sums as may be provided by law."

Amend, by striking out section 139.

Amend, by striking out section 140.

Amend section 128, by striking out "one thousand," and inserting "eight hundred."

Which was agreed to.

The question being, shall House bill No. 217 pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Coopridge, Crain, Dashiell, Erwin, Feagler, Ferguson, Fisher, Fordyce, Frasier, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Hefren, Henriks, Holcomb, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lightner, McClurg, McLean, Moody, Moorman, Newman, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Under-

wood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, and Woods—74.

Those who voted in the negative were,

Messrs. Atkinson, Black, Combs, Davis, Dobbins, Epperson, Fleming, Ford, Fraley, Gifford, Goar, Horton, Lane, Lee, Moss, Mutz, Nebeker, Orr, Smith of Bartholomew, and Trier—20.

So the bill passed.

Mr. Heffren moved to amend the title, as follows: "by adding and repealing all laws inconsistent therewith."

Which was agreed to.

The title, as amended, was then adopted.

Ordered, That the Clerk inform the Senate of the passage of said bill.

Mr. Grover moved to take up House bill No. 341.

Which was agreed to.

House bill No. 341. A bill to amend section one of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana: for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, approved March 5, 1859.

The bill was read a second time, and ordered to be engrossed.

Mr. Grover moved that the bill be considered as engrossed, and the rule suspended, and read a third time.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were, .

Messrs. Anderson, Bingham, Boydston, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Coop-
rider, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fleming, Ford, Fordyce, Frasier, Gifford, Goar, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hop-
kins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman,

Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Black, Brett, Bundy, Combs, Fisher, Gresham—6.

So the rules were suspended.

House bill No. 341, was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Brett, Brucker, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Collins of Adams, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Combs, Knowlton, and Prosser.—3

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

By unanimous consent,

Mr. Branham made the following statement :

MR. SPEAKER :

I find the enrolled bill of the House, No. 336, making general appropriations, the expense of the office of Superintendent of Public In-

struction, has been duplicated. I ask leave of the House to make the correction.

Which was agreed to.

House bill No. 342. A bill to amend section 126 of an act entitled "an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Was read a second time.

Mr. Prosser offered the following:

Amend by adding the following section:

SEC. —. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Which was adopted.

The bill was then ordered to be engrossed.

Mr. Jones of Vermillion, from the committee on the affairs of the Penitentiary, obtained leave and made the following report:

MR. SPEAKER:

The committee on the affairs of the State Prison, to whom were referred various papers relating to that institution, together with all matters connected with its management and present condition, have had the same under consideration and have directed me to submit the following report:

The committee, in accordance with the usual custom, and to enable them to arrive at a correct conclusion, visited the prison at Jeffersonville and carefully examined its various departments, the mode in which the books thereof are kept, the condition and number of the convicts therein, the number of contractors and of convicts employed by each, together with all other matters connected with the institution.

The following statement will show the annual receipts and disbursements, commencing on the 15th day of June, 1856, down to the 15th day of December, 1860.

The expenses for provisions furnished to the institution from the 15th day of June, 1856, until December 15th, 1856, being one-half a year, amounted to the sum of..		\$6,642 03
For the year 1857.....		16,891 04
For the year 1858.....		14,666 78
For the year 1859.....		19,460 07
For the year 1860.....		921 48
Total amount.....		<u>\$70,581 42</u>

Thus showing that the total amount expended for provisions from the 15th day of June, 1856, until the 15th day of December, 1860, was \$70,581 42.

The expenses for clothing furnished to the convicts, commencing June 15th, 1856, until December 15th, 1856, being half a year, amounted to the sum of.....		\$2,292 17
And for the year 1857 to the sum of.....		3,223 67
“ “ 1858 “ “		3,640 23
“ “ 1859 “ “		7,522 32
“ “ 1860 “ “		6,015 17

Making the sum total expended for clothing from the 15th of June, 1856, till the 15th of December, 1860, the sum of \$22,693 56.

There was expended, during the year 1857, in repairs upon the prison of damages, occasioned thereto by the fire of 1856, the sum of \$3,401 25.

There were expended for miscellaneous items from June 15th, 1856, till the 15th day of December, 1856.....		\$18 42
For the same class of items for the year 1857.....		158 55
“ “ “ “ “ 1858.....		474 95
“ “ “ “ “ 1859.....		1,389 85
“ “ “ “ “ 1860.....		150 10

Making a total of.....\$2,190 87

Thus making the total amount of money expended an account of miscellaneous purposes from the 15th day of June, 1856, until the 15th day of December, 1860, the sum of \$2,190 87.

The amount expended for fuel during the years 1856 and 1857 was.....		\$2,185 23
For the same for the year 1858.....		295 80
“ “ “ 1859.....		622 37
“ “ “ 1860.....		3,739 10

Making the sum total expended for fuel and light from 1856 until December, 1860, \$6,842 51.

Expenses paid for remanding convicts in case of new trials and for other purposes:

For the years 1856 and 1857.....	\$113 09
For the year 1858.....	53 00

Thus making the whole amount..... \$166 56

Expenditures for general repairs on the prison from 1856 until 1860:

For the years 1856 and 1857.....	\$1,172 09
For the year 1858.....	7,142 22
“ “ 1859.....	8,617 85
“ “ 1860.....	10,298 88

Sum total on repairs.....\$27,130 91

Thus making the entire amount expended for general repairs of the prison (exclusive of the amount expended for repairs on the building destroyed by fire) from the year 1856 to 1860, \$27,130 91.

Expenses for erecting and making improvements upon the new blacksmith shop:

First item.....	\$674 04
Second item.....	626 33

Whole amount..... \$1,300 37

New cell house, completed in 1858 at the cost of.....	\$17,139 40
On account of furniture during the years 1858 and 1859, amounting in full to.....	\$342 10
Bedding account from 1856 to 1860.....	\$1,750 34
Expenses for new shop, amounting in all to.....	14,279 95
Saddle tree loss.....	2,184 24

Expenses incurred in receiving and attempting to arrest escaped convicts from June 15th to December, 1856, being half a year.....	74 20
For the year 1857.....	255 90
“ “ 1858.....	654 60
“ “ 1859.....	508 95
“ “ 1860.....	339 45

Making a sum total of..... \$1,832 90

Expenses of new cistern.....	\$188 00
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Hospital account from the year 1856 to 1860:

For the year 1856, being half a year.....	\$268 82
“ “ 1857.....	497 95
“ “ 1858.....	605 31
“ “ 1859.....	921 91
“ “ 1860.....	1,112 22

Amounting in all to..... \$3,406 29

Expenditures for stationery and printing during the same time, commencing June 15th, 1856:

For six months in 1856.....	\$288 10
For the year 1857.....	379 16
“ “ 1858.....	68 38
“ “ 1859.....	231 15
“ “ 1860.....	119 84

Total expenditure for stationery and printing..... \$1,081 63

Amount paid to discharged convicts from 1856 to December 15, 1860..... \$10,415 00

Salary of officers, commencing June 15, 1856, to December 15, 1856.....	640 09
For the year 1857.....	8,406 80
“ “ 1858.....	9,574 00
“ “ 1859.....	13,141 40
“ “ 1860 to December 15.....	13,223 20

Whole amount paid to officers from June 15, 1856 to December 15, 1860.....\$44,985 41

Team account for the same period.....\$315 41

An individual account paid to James D. Ward as contractor, December 15..... 159 00

Amount paid to Directors for expenses in going to and returning from the prison..... 301 50

[This claim being for mileage, the Auditor of State refused to audit it.]

Account for gas fixtures.....\$117 18

Engine account from the year 1856 to 1860, Dec. 15.....2,587 42

The following statement will show the amount by which the Institution has been credited from June 15, 1856, to December 15, 1860:

Fuel and light account.....	\$437 75
Convict labor account.	216,949 99
Visitors' fund.....	953 17
Invoice account.....	2,121 98
Furniture account.....	101 00
Team account.....	1,815 27
Garden account.....	444 42
Repairs on burnt building.....	405 76
Shoe shop account.....	14 00
Tailor shop account.....	449 10
Brick yard account.....	243 30
Patterson's invoice account.....	15,505 75
Bedding account.....	1,521 16
Engine, mill and forge accounts.	4,861 87
The State of Indiana.....	22,606 25
Suspense account.....	9,445 24

Sum total on credit account, commencing June 15, 1856, and December 15, 1858.....\$268,814 61

Your committee beg leave further to report that the present contractors for prison labor, complain that owing to the recent revulsion in business, they have been unable to dispose of their manufactures, and that they cannot continue their work unless a reduction in the price of labor be made. Your committee have not taken any testimony in relation to such contracts, but from the best information they can get would respectfully recommend that the Prison Directors be authorized to examine into the facts in regard to the same; and, if upon examination they find that it would be just and right, they be authorized to make such reduction—not below thirty-three cents per diem—in the price of prison labor as may be just.

And your committee further suggest, that in all contracts which may hereafter be entered into for convict labor, payment should be required to be made therefor at least monthly; and in case of failure to pay should be forfeited, at the option of the Directors.

In view of the present and prospective wants of the prison, your committee do most respectfully recommend,

First. That an appropriation of twelve thousand dollars be made to meet the deficit of the two preceding years; and as a contingent to be used, if necessary, during the two succeeding years.

Second. The passage of a bill permitting the convicts to be worked within certain prescribed limits outside of the prison walls, in the stone quarries near the Falls of the Ohio River, and to cut wood for the use of the institution, and make brick.

Third. That the Directors purchase four acres of ground, in the immediate vicinity of the institution, for a grave yard.

Fourth. An enlargement of the female department of the prison.

Fifth. And your committee further recommend that the law be so amended that convicts who are or may become insane in the State

Prison, may be transferred to the Hospital for the treatment of the Insane.

Your committee, upon a thorough examination of the prison, in reference to the preservation and promotion of the health of the prisoners, as well as to the number at that time requiring medical aid, find nothing to call for objection, and are happy to report that but one bed-patient was found in the Hospital; and that, at the period of examination, the convicts were almost entirely free from disease.

We can only attribute this desirable state of affairs in this relation, to the commendable care and zeal of D. M. Miller, the Warden of Prison, together with the assistance of his admirable corps of Assistants.

On motion by Mr. McLean,
The report was laid on the table.

Mr. Branham moved that the committee be instructed to report a bill to-morrow morning, in accordance with the recommendations of said committee.

Which was agreed to.

Mr. McLean moved to take up Senate message containing Senate bills No. 114 and No. 115.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 115. A bill to amend the second and fifth sections of an act, entitled "An act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages, and for other purposes," approved January 28, 1857, and containing some provisions respecting the reinstating of mortgages given for loans made from the Sinking Fund, or any fund loaned by the Auditor or Treasurer of State, and of sales made on account of any of said funds, and respecting the collection, safety and control of said funds, the time, manner and place of making sales, the proceeding against purchasers who fail to comply, and matters properly connected therewith.

In which the concurrence of the House is respectfully requested.

Mr. McLean moved that the rule be suspended, and the bill read a first and second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hefiren, Henricks, Holcomb, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—91.

No one voting in the affirmative.

So the rules were suspended, and the bill read a first and second time by its title.

Mr. Branham moved that the bill be read a third time now.
Which was agreed to.

Senate bill No. 115, was read a third time, and
The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Fleming, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Holcomb, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—87.

Mr. Knowlton voting in the negative—1.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Cameron moved to take up the following message from the Senate:

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution thereof, to-wit:

Be it resolved by the Senate, the House of Representatives concurring therein, That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed immediately to elect by a *viva voce* two Trustees for the Asylum for the Blind, and two Trustees for the Institution for the Education of the Deaf and Dumb, and two Commissioners for the Hospital for the Insane—and also, a President for the said several Boards of Trustees and Commissioners, and the persons receiving a majority of all the votes cast in each House shall be declared duly elected to fill the said several offices; and the Secretary of the Senate and the Clerk of the House of Representatives shall immediately upon the choice as herein provided by the respective Houses certify the same to the Governor and Secretary of State.

In which the concurrence of the House is respectfully requested.

Which was concurred in.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to announce to the House, that in accordance with the concurrent resolution of the Senate, recently reported to the House, the Senate proceeded to vote, and did vote, for two Trustees for the Asylum for the blind; two Trustees for the Institution for the Deaf and Dumb; two Commissioners for the Hospital for the Insane; and one President of the several Boards of Trustees and Commissioners of said Institutions.

Whereupon, the following gentlemen were voted for as follows, to-wit:

For Trustee for the Institution for the education of the Deaf and Dumb, James C. Burt received twenty-seven votes, and, as against him, John M. Kitchen nineteen votes.

John M. Kitchen, upon a subsequent vote, received thirty-five votes, and Thomas M. Woolen eleven votes.

For Trustees for the Asylum for the Blind, John Beard received twenty-eight votes, and Harvey G. Hazlerigg received seventeen votes. William M. Smith received twenty-six votes, and Michael Fitzgibbon received twenty votes.

For President of the several Boards of Trustees and Commissioners, Andrew Wallace received twenty-six votes, William H. Talbott received seven votes, and George K. Steele received three votes.

For Commissioners of the Hospital for the Insane, John W. Moody received twenty-five votes, and Henry Brady twenty-two votes. For the same position, Patrick H. Jameson received twenty-five votes, and Edwin J. Peck received twenty-two votes.

In compliance with the foregoing resolution, the House proceeded by a *viva voce* to choose a President of the Board of Commissioners for the Benevolent Institutions.

Mr. McLean nominated William H. Talbott, of the county of Marion.

Mr. Kendrick nominated Andrew J. Wallace, of the county of Marion.

Those who voted for Andrew Wallace were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Frasley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—57.

Those who voted for W. H. Talbott were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-

rider, Davis, Dobbins, Fleming, Gifford, Hayes, Holcomb, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Mutz, Owens, Pitts, Polk, Prosser, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—31.

Andrew J. Wallace, having received a majority of all the votes votes cast, was declared by the Speaker duly elected, on the part of the House of Representatives, a President of the Board of Commissioners of the Benevolent Institutions.

The House proceeded to the election of a Commissioner for the Hospital for the Insane.

Mr. McLean nominated ——— Peck, of Marion county.

Mr. Kendrick nominated Patrick H. Jameson.

Those who voted for Patrick H. Jameson were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—57.

Those who voted for ——— Peck were,

Messrs. Atkinson, Black, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Fleming, Gifford, Holcomb, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Mutz, Owens, Pitts, Polk, Prosser, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—27.

Patrick H. Jameson, having received a majority of all the votes cast, was declared by the Speaker duly elected, on the part of the House of Representatives.

The House proceeded to elect a second Commissioner for the Hospital for the Insane.

Mr. McLean nominated H. Brady, of Marion county.

Mr. Grow nominated John W. Moody, of Decatur county.

Those who voted for John W. Moody were,

Messrs. Bingham, Boydston, Brucker, Bryan, Burgess, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thompson, Turner, Underwood, Veatch, Wells, Williams, Woodhull, and Mr. Speaker—47.

Those who voted for Mr. H. Brady were,

Messrs. Atkinson, Black, Combs, Coopridger, Davis, Fleming, For-dyce, Gifford, Goar, Gresham, Holcomb, Howard, Jenkinson, Kitchen, Knowlton, Lods, McLean, Mutz, Owens, Packard, Pitts, Polk, Prosser, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum and Mr. Wilson—32.

Mr. Moody, having received a majority of all the votes cast, was declared, by the Speaker, duly elected on the part of the House.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom was referred House bill No. 84, have carefully compared the same, and find that it is correctly enrolled.

On motion by Mr. Gresham,
The House adjourned till to-morrow morning 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
March 7th, 1861. }

The House met.

On motion by Mr. Bundy,
The reading of the Journal was dispensed with.

Mr. Prosser, by unanimous consent, moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 243. A bill fixing the time of holding the Circuit Court in the first judicial circuit, and repealing all laws in conflict therewith.

With the following engrossed amendment thereto:

Amend section 2d by striking out in the last line the word "three," and inserting "four."

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Prosser,
The engrossed amendment of the Senate was concurred in.

Ordered, That the Clerk inform the Senate.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom was submitted House bill No. 173, have carefully compared the same, and find that it is properly enrolled.

HOUSE BILLS ON THIRD READING.

House bill No. 145. A bill to amend an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State."

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Bingham, Black, Boydston, Branham, Brett, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Dobbins,

Erwin, Ferguson, Fleming, Fraley, Gifford, Goar, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Hudson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, McClurg, McLean, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Thomas, Turner, Warrum, Wells, Williams, Woodhull and Woods—69.

Those who voted in the negative were,

Messrs. Brucker, Crain, Epperson, Fisher, Fordyce and Moorman—6.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 269. A bill supplemental to an act passed March 3, 1855, entitled "An act to establish a bank with branches."
Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Epperson, Erwin, Feagler, Fisher, Fraley, Frasier, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lightner, McLean, Moorman, Newman, Orr, Owens, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Thompson, Thomas, Turner, Veatch, Wells, Woodhull, Woods and Mr. Speaker—54.

Those who voted in the negative were,

Messrs. Atkinson, Collins of Adams, Combs, Coopridner, Dashiell, Davis, Dobbins, Ferguson, Fleming, Fordyce, Gifford, Goar, Hayes, Heffren, Horton, Kitchen, Lods, McClurg, Mutz, Nebeker, Packard, Pitts, Polk, Prosser, Prow, Roberts, Stevenson, Stotsenburg, Trier and Warrum—29.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Messrs. Mutz and Holcomb were granted leave of absence on account of sickness.

House bill No. 154. A bill to amend an act entitled "An act prescribing the powers and duties of justices of the peace in State prosecutions." Approved May 29, 1852.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Bingham, Black, Boydston, Branham, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Fisher, Fleming, Fordyce, Fraley, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lightner, McClurg, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull and Woods—62.

Those who voted in the negative were,

Messrs. Brett, Bundy, Dobbins, Ferguson, Frasier, Gifford, Heffren, Horton, Jenkinson, Kitchen, Lods, Owens, Pitts, Polk, Prosser, Prow, Roberts, Stevenson, Stotsenburg, Trier and Mr. Speaker—21.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

Senate bill No. 107. A bill for the relief of the heirs of Michael O'Brien, deceased.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Brett, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth,

Hayes, Heffren, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Jones of Vermillion, Kendrick,* Kitchen, Lods, Lane, Lightner, McClurg, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull, Woods and Mr. Speaker—83.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

HOUSE BILLS ON THIRD READING.

House bill No. 187. A bill authorizing recorders to demand payment of their fees in advance.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Bundy, Burgess, Collins of Whitley, Cason, Coopridge, Epperson, Erwin, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lightner, McLean, Moorman, Mutz, Nebeker, Newman, Orr, Parrett, Polk, Ragan, Randall, Smith of Bartholomew, Smith of Miami, Stevenson, Thompson, Turner, Underwood, Williams, Wilson, Woodhull and Woods—48.

Those who voted in the negative were,

Messrs. Black, Branham, Brett, Brucker, Bryan, Campbell, Collins of Adams, Combs, Dashiell, Davis, Dobbins, Ferguson, Fraley, Hall, Harvey, Hayes, Heffren, Jenkinson, Lods, Moody, Pitts, Prosser, Prow, Roberts, Sherman, Sloan, Stotsenburg, Trier, Thomas, Warrum, Wells and Mr. Speaker—34.

So the bill failed to pass for want of a constitutional majority.

House bill No. 127. A bill to give the custody and control of the records and papers of the former Probate Courts of the different

counties of the State, to the clerks of the Courts of Common Pleas, to make and certify transcripts of the same.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiel, Dobbins, Epperson, Feagler, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Warrum, Wells, Woodhull, Woods and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Boydston, Brucker, Ferguson, Gresham and Prosser—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 165. A bill to amend section 3 of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a third time.

Mr. Black, by unanimous consent, moved to strike out that portion in the emergency clause requiring the publication of said bill.

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Black, Boydston, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiel, Davis, Dobbins, Ep-

person, Ferguson, Fisher, Fordyce, Fraley, Gifford, Gresham, Hall, Harvey, Haworth, Heffren, Henricks, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Mutz, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier Thomas, Thompson, Underwood, Veatch, Wells, Woodhull, Woods and Mr. Speaker—69.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 10. A bill authorizing county libraries to loan certain funds and regulating the same.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Brett, Brucker, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Feagler, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, McClurg, McLean, Moody, Nebeker, Newman, Packard, Parrett, Pitts, Prow, Randall, Robbins, Sherman, Stevenson, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Ferguson, Fisher and Stotsenburg—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 185. A bill entitled an act to provide for several districts of the Court of Common Pleas of the State of Indiana.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Davis, Dobbins, Edson, Feagler, Ferguson, Fordyce, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lane, Lee, McClurg, McLean, Moody, Moorman, Nebeker, Newman, Orr, Owens, Packard, Parrett, Prow, Ragan, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—70.

Mr. Horton voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 118. A bill to authorize judges of circuit and common pleas courts to make certain orders in vacation.

Was read a third time.

By unanimous consent,
Mr. Heffren offered the following :

Amend by striking out of section one, page three, line six, all after the word "not."

Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Dobbins, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Haworth, Hayes, Heffren, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moorman, Moss, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch,

Warrum, Wells, Williams, Wilson, Woodhull, Woods and Mr. Speaker—79.

Mr. Thompson voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 195. A bill to amend section thirty-four of chapter eighty-three of the revised statutes of 1852, and entitled "an act for the incorporation of railroad companies," approved May 11, 1852.

Was read a third time.

Mr. Cason moved that the bill be recommitted to the Committee on the Judiciary, with instructions to amend the bill as follows:

Provided, That nothing contained in this act shall revive or renew any railroad charter or extend the time of the completion of any railroad that has heretofore forfeited their charter by any act of non-feasance, non-usure, or by any other act, or in any other way or manner whatever, nor shall anything in this act contained operate to dismiss any actions at law non-commenced by *quo warranto*, or otherwise to declare the charters and franchises of said roads forfeited, and to annul and wind up said incorporation in accordance to law.

Which was agreed to.

House bill No. 15. A bill to amend section second of an act, entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12, 1855.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branhams, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridner, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Newman, Orr, Owens, Parrett, Pitts, Polk, Pros-

ser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Woodhull, Woods and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Ferguson, Lods and Stevenson—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

SENATE BILLS ON THIRD READING.

Senate Bill No. 116. A bill to amend section seven of an act, entitled "An act to provide for the election of a reporter, and a speedy publication of the Decisions of the Supreme Court, and for the compensation of such reporter," approved February 5th, 1852.

Was read a third time.

Mr. Frasier moved that the bill be recommitted to the Committee on the Judiciary.

Mr. Cameron moved to lay the motion on the table.
Which was agreed to.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Cason, Crain, Dashiell, Feagler, Gresham, Grover, Haworth, Jones of Vermillion, Moody, Newman, Sherman, Smith of Miami, Turner, Veatch, Wells, Williams, Woodhull, Woods and Mr. Speaker—27.

Those who voted in the negative were.

Messrs. Atkinson, Black, Boydston, Brett, Burgess, Collins of Whitley, Collins of Adams, Combs, Coopridge, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Harvey, Hayes, Heffren, Henricks, Hopkins, Horton,

Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Nebeker, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier, Thomas, Thompson, Underwood and Warrum—50.

So the bill did not pass.

No. 188. A bill to provide for the organization of companies to build dams across any streams to afford slack water navigation.
Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridge, Crain, Dashiell, Dobbins, Epperson, Erwin, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, Moody, Moorman, Newman, Orr, Randall, Robbins, Sherman, Sloan, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wells, Williams, Woodhull and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Black, Collins of Adams, Combs, Davis, Feagler, Ferguson, Hayes, Heffren, Jenkinson, McClurg, McLean, Moss, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Smith of Bartholomew, Stevenson, Trier, and Woods—23.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Heffren, by consent, offered the following resolution:

Resolved, That the use of this Hall be granted to Bishop Spaulding for the purpose of delivering a free lecture on Monday night next.

Which was adopted by consent.

House bill No. 239. A bill to amend the 6th section of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State
H. J.—57.

of Indiana. for the election of assessors, appraisers of real property. county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Was read a first time.

Mr. Crain moved to indefinitely postpone said bill.

Mr. Bundy moved that the House do now adjourn.
Which was not agreed to.

The question being on the motion to indefinitely postpone the bill.
Mr. Crain, by consent, withdrew his motion.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Brett, Brucker, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Coopridge, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fordyce, Frasier, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lane, Lee, Lightner, McLean, Nebeker, Newman, Packard, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Woodhull, Woods and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Atkinson, Black, Branham, Combs, Crain, Dobbins, Fisher, Fleming, Gifford, Goar, Gresham, Hall, Horton, Jenkinson, Kitchen, Moorman, Moss, Orr, Parrett, Prow, Sloan, Smith of Bartholomew, Stotsenburg, Trier and Warrum—25.

So the bill failed for want of a constitutional majority.

On motion by Mr. Underwood.

House bill No. 155 was taken from the table and placed on the files.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the following engrossed amendments of the House to the following engrossed bill of the Senate, to-wit:

Senate bill No. 107. A bill for the relief of the heirs of Michael O'Brien, deceased.

Mr. McLean, from the Committee on enrolled bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom was referred House bill No. 243, have carefully examined the same, and find that it is properly enrolled.

Mr. Gresham obtained leave and offered the following resolution:

Resolved, That this House will, the Senate concurring, go into joint convention this day at 2 o'clock P. M., for the purpose of electing three directors of the Northern State Prison and one director of the Southern Prison, by a *viva voce* vote.

Which was agreed to.

On motion,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

By unanimous consent,

Mr. Stotsenburg introduced

House bill No. 347. A bill to authorize agricultural and mechanical associations, or either of them, to mortgage their lands fixtures and other property in order to pay for the same and improvements thereon, and to issue and sell bonds for the same object.

Which was read a first time, and passed to a second reading.

On motion by Mr. Coopridger,

House bill No. 204 was taken from the table and placed on the file.

Mr. Brett presented the following communication :

INDIANA HOSPITAL FOR THE INSANE, }
Indianapolis, March 6, 1861. }

HON. M. L. BRETT—*Dear Sir:*

Your letter of the 4th inst. came to hand last evening, and in reply to its contents, I report the following names of persons who paid money for the support of patients, &c., &c., during the suspension of the Institution; also, the number and names of counties that paid for the support and treatment of patients.

The Board of Commissioners assumed that patients could not be legally supported and treated in the Hospital while appropriations were withheld, unless the recipients pledged themselves to pay all the expenses accruing under the necessity of the State, being bound to pay certain officers whether the wards were filled with patients or not. This position enabled the Board to avoid any embarrassment that might have arisen from the charge of permitting preferred patients to be treated at the expense of the State, (only in part of course,) while the poor were excluded by reason of the failure by the Legislature to appropriate means to support all who might be entitled under the law to the benefits, &c., &c.

In order to meet all the necessary expenses, the cost per capita per month was enormous, but as the wards filled the cost of support lessened.

The maximum per month was between 50 and \$60; the minimum was between 25 and \$33 per month.

The present cost is \$2.50 per week, or to be exact, \$2.43.

In case the Legislature should refund the money, &c., in whole or in part, then the number of weeks and days, &c., may be very easily ascertained, and the Board or Superintendent be authorized to pay as directed, &c., &c.

Grant County	\$620 00
Mrs. Littles	250 00
Montgomery County.....	750 00
Mr. Stockton	210 00
Tippecanoe County.....	1,835 00
Mr. Devol.....	230 00
Mr. Isaacs.....	200 00
Franklin County	220 00
Mrs. Hawkins.....	100 00
Wabash County.....	220 00
Mrs. Montgomery.....	40 00

Mrs. Moore.....	73 00
Mr. Kendall.....	130 00
Mr. Vogan.....	67 00
Mr. Herman.....	100 00
Mr. Hall.....	75 00
Mr. Shuer.....	71 00
Mr. Julian.....	40 00
Mr. Vankike.....	40 00
La Porte County.....	90 00
Mr. Anderson.....	62 00
Mrs. Britton.....	40 00

The money was deposited in Fletcher's Bank by the President of the Board, and was drawn out by orders emanating from the same source.

I hope the above will be satisfactory.

I have the honor to be your very humble and obedient

JAMES S. ATHON,
Superintendent.

Which was referred to the Committee on Benevolent Institutions.

Mr. Stotsenburg, by consent, offered the following resolution,
Which,

Under the rule, was referred to the select committee of thirteen:

WHEREAS, It is eminently proper and expedient, for the purpose of preserving the public peace and tranquillity, and maintaining the union of the States, that every peaceable remedy should be exhausted and every practicable means adopted which may be calculated to arrest the further progress of secession, re-unite our dismembered Confederacy and prevent civil war: Therefore,

Resolved, That the Committee on the Judiciary be, and they are hereby instructed to report a bill providing for the election by general ticket, of delegates to a National Convention of all the States.

Resolved, That said committee be, and they are hereby further instructed to provide in such bill for the submission of the amendments to the Federal Constitution lately proposed by the Hon. John J. Crittenden in the Senate of the United States, to a direct vote of the people of Indiana, at the election thus provided for the choice of such delegates, so that the sense of the people of Indiana may be taken thereon.

Resolved further, by the House of Representatives, the Senate concurring therein. That the Congress of the United States be, and they are hereby requested to call a convention of all the States at an early day, for the purpose of proposing and considering amendments to the Federal Constitution, upon the application of the Legislatures of two

thirds of the States, in which application the State of Indiana hereby joins.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to inform the House that the Senate has concurred in the resolution of the House to go into joint convention at 2 o'clock P. M. to-day, to elect one Director of the Southern State Prison, and three Commissioners of the Northern Prison.

On motion by Mr. Woods,

House bill No. 294. A bill to provide for the necessary judicial proceedings to procure the removal of the dam erected across the Calumet River in the State of Illinois, and for the payment of the expenses of such proceedings.

Was taken up.

Pending the adjournment on the 4th day of March, was the motion made by Mr. Fisher to lay the amendment and motion of Mr. Stotsenburg to concur in the report of the committee by striking out two thousand dollars, and inserting three thousand dollars, on the table.

Messrs. Heffren and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Cason, Coopridier, Dashiell, Erwin, Feagler, Ferguson, Fisher, For-dyce, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Kitchen, Knowlton, Lane, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Owens, Parrett, Polk, Ragan, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thompson, Turner, Underwood, Williams, Woodhull, Woods and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brucker, Campbell, Combs, Davis, Dobbins, Epperson, Ford, Fraley, Hayes, Horton, Lods, Packard, Pitts, Prosser, Prow and Warrum—20.

So the amendment was laid on the table.

Mr. Davis moved to amend as follows :

Strike out two thousand, and insert one thousand.

Pending which,

The hour for the meeting of the joint convention of the two Houses of the General Assembly having arrived, the Senate, preceded by Senator Cravens, President *pro tem.*, appeared in the Hall of the House, where seats were provided for them on the right of the Speaker's chair.

Upon calling the joint convention to order, the President of the Senate announced that the General Assembly were met in joint convention pursuant to concurrent resolution of both branches thereof, for the purpose of electing one Director for the Southern Prison, and three Directors for the Northern State Prison.

The President then announced that the joint convention would proceed to choose, by a *viva voce* vote, a Director of the Southern State Prison to serve as such for the term of four years from the date of his election.

Mr. Gresham nominated John W. Ray, of the county of Clark.

Mr. Heffiren, A. S. Carothers, from the county of Clark.

Those who voted for John W. Ray were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, Dehart, Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb, Steele, Stone, Turner, Wagner, and White of the Senate, and

Messrs. Anderson, Bingham, Boydston, Branham, Brueker, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henrieks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thompson, Turner, Underwood, Veatch, Woodhull, Woods and Mr. Speaker of the House of Representatives—81.

Those who voted for ——— were,

Messrs. Cobb, Conley, Ferguson, Johnson, Landers, Line, Lomax, Odell, Ray, Shoemaker, Tarkington, Williams, Wilson and Wolfe of the Senate, and

Messrs. Atkinson, Black, Brett, Combs, Coopridger, Davis, Gifford, Hayes, Horton, Kitchen, Knowlton, Lods, McClurg, McLean, Packard, Pitts, Robbins, Stevenson and Trier—34.

Those who voted for A. S. Carouthers were,

Messrs. Carnahan and O'Brien of the Senate, and
Messrs. Dobbins, Heffren, Owens, Polk and Prow of the House of Representatives—7.

Mr. Studabaker, of the Senate, voted for John Smith.

Mr. Jenkinson, of the House, voted for John Jones.

Mr. Moss voted for D. Tophin.

Mr. Prosser voted for Major Robert Anderson.

Mr. Roberts voted for Cyrus M. Allen.

Mr. Warrum voted for Moses Jenkinson.

John W. Ray having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected a Director of the Southern State Prison for the term of four years from and after his election and qualification.

The President then announced that the Joint Convention would now proceed to choose, by a *viva voce* vote, a Director for the Northern State Prison, to serve for the term of two years from the date of his election.

Mr. Boydston nominated William Williams of the county of Kosciusko.

Senator Slack nominated William A. Jennings.

Those who voted for William Williams were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, De Hart, Dickinson, Grubb, Hull, March, Mellet, Miller, Murray, Newcomb, Robinson, Steele, Stone, Turner, Wagner and White of the Senate, and

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gear, Gresham, Grover, Hall, Harvey, Haworth,

Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—84.

Those who voted for Mr. Jennings were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Johnston, Landers, Lomax, O'Brien, Odell, Ray, Shoemaker, Slack, Studabaker, Tarkington, Williams, Wilson and Wolfe of the Senate, and

Messrs. Black, Brett, Collins of Adams, Combs, Coopridge, Davis, Dobbins, Ford, Gifford, Hayes, Heffren, Horton, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Packard, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Stevenson, Stotsenburg and Trier—46.

Mr. Atkinson voted for Mr. Jenkinson.

Mr. Jenkinson voted for Mr. Atkinson.

Mr. Owens voted for John Brown, jr.

Mr. Warram voted for Mr. Sherman.

William Williams having received a majority of all the votes cast by the General Assembly, was declared by the President of the Joint Convention duly elected a Director for the Northern State Prison for the term of two years from and after his election and qualification.

The President then announced that the Joint Convention would now proceed to choose a second Director for the Northern State Prison, to serve for the term of two years from the date of his election.

Mr. Orr nominated Milton S. Robinson of the county of Madison.

Senator Conley nominated C. W. McDaniel of Greene county.

Those who voted for Mr. Robinson were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Claypool, Conner, Craven of Madison, Cravens of Jefferson, Culver, De Hart, Dickinson, Grubb, Hull, March, Mellet, Miller, Murray, Newcomb, Robinson, Steele, Stone, Turner, Wagner and White of the Senate, and

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fralley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hen-

ricks, Hopkins, Hudson, Hud, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moor-
man, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman,
Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood,
Veatch, Williams, Woodhull, Woods and Mr. Speaker—85.

Those who voted for C. W. McDaniel were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Hamilton, Johnson,
Landers, Line, Lomax, Odell, Ray, Shoemaker, Slack, Tarkington,
Williams, Wilson and Wolfe of the Senate, and

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Davis, Dobbins, Fleming, Ford, Gifford, Hayes, Horton, Kitch-
en, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Packard, Pitts,
Polk, Prosser, Prow, Robbins, Roberts, Stevenson, Stotsenburg, Tri-
er and Warrum—48.

Mr. Heffren voted for Abraham Bolton.

Mr. Jenkinson voted for Mr. Warrum.

Mr. Owens voted for Mr. Dixey.

Milton S. Robinson, having received a majority of al the votes
cast by the General Assembly, was declared by the President of the
joint convention duly elected a director for the Northern State Prison
for the term of two years from and after his election and qualifica-
tion.

The President then announced that the joint convention would now
proceed to choose a third Director for the Northern State Prison, to
serve for two years from the date of his election and qualification.

Senator Conner nominated Hugh Hanna, of the county of Wabash.

Mr. Dobbins nominated Basil Edmunson.

Those who voted for Hugh Hanna were,

Messrs. Anthony, Bearss, Beeson, Berry, Blair, Campbell, Clay-
pool, Conner, Craven of Madison, Cravens of Jefferson, Culver, DeHart,
Dickinson, Grubb, Hull, March, Mellett, Miller, Murray, Newcomb,
Robinson, Steele, Stone, Turner, Wagner and White. of the Senate,
and

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Bryan,
Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley,
Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce,
Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth,
Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of
Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, Moody,

Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker, of the House of Representatives—84.

Those who voted for Basil Edmunson were,

Messrs. Carnahan, Cobb, Conley, Ferguson, Hamilton, Johnston, Landers, Line, Lomax, O'Brien, Odell, Ray, Slack, Studabaker, Williams and Wolfe, of the Senate, and

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coop-
rider, Dobbins, Fleming, Ford, Gifford, Hayes, Kitchen, Knowlton,
Lods, McClurg, McLean, Moss, Packard, Pitts, Polk, Robbins, Rob-
erts, Stevenson, Stotsenburg Trier and Warrum, of the House of
Representatives—42.

Mr. Davis, of the House, voted for Mr. Sherman.

Mr. Horton voted for Billy Patterson.

Mr. Jenkinson voted for Wm. K. Wiggins.

Messrs. Heffren, Prosser, and Prow, voted for Charles P. Bay-
miller—3.

Hugh Hanna, having received a majority of all the votes cast by
the General Assembly, was declared by the President of the joint
convention duly, elected a Director of the Northern State Prison for
the term of two years from and after his election and qualification.

The business for which the joint convention was called together
having been transacted, the President declared it adjourned *sine die*.

The Senate then repaired to their chamber.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House, for the signa-
ture of the Speaker and Clerk thereof, the following enrolled bill of
the Senate, to-wit:

Senate bill No. 107. A bill for the relief of Michael O'Brien.

Message from the Governor, by Mr. Holloway, Executive Messen-
ger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 84. A bill regulating interest on money, and to repeal an act entitled "an act concerning interest on money," approved May 27, 1852; the fifty-first section of the "act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852, and all other laws in conflict with this act.

Also—

House bill No. 243. An act fixing the time of holding the Circuit Courts in the first judicial circuit, and repealing all laws in conflict therewith, and making all writs, summons and processes returnable thereto.

Also—

House bill No. 173. A bill supplementary to an act entitled an act supplementary to an act to provide for the re-location of county seats and for the erection of public buildings, in case of such re-location, approved March 2, 1855, so as to provide for the re-location of county seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal votes have petitioned, designating a site, and a house to be used as a court house, and when a deed has been executed, to provide also for the transfer of any equitable title for the terminations of actions growing out of such re-location, and for the transfer of the former county property, approved December 28, 1858, so as to provide for the re-location of county seats in counties where no court house has been erected, which have been formed out of the territory of another county, and for the transfer of the county offices, books, &c., and has caused the same to be filed in the office of the Secretary of State.

The question pending at the time the House went into joint convention was the amendment offered by Mr. Davis to House bill No. 294.

Which was accepted by the chairman of said committee.

Mr. Frasier moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
It was so ordered.

The question being on concurring in the report of the committee

and adopting the amendments as amended upon the motion of Mr. Davis,

It was concurred in and amendments adopted.

The bill was then ordered to be engrossed.

Mr. Woods moved that the bill be considered as engrossed and read a third time now.

Which was agreed to.

House bill No. 294 was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Coopridge, Crain, Dashiell, Erwin, Feagler, Ferguson, Fisher, Ford, Frasier, Gifford, Goar, Grover, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, McClurg, McLean, Moody, Moorman, Nebeker, Newman, Owens, Parrett, Pitts, Polk, Prosser, Randall, Robbins, Sherman, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Campbell, Collins of Adams, Combs, Davis, Dobbins, Epperson, Fleming, Fraley, Hall, Hayes, Heffren, Horton, Lods, Moss, Prow, Roberts, Sloan and Smith of Miami—18.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared engrossed House bill No. 294 with the original and find it correctly engrossed.

Mr. Sloan, from the Committee on Claims, obtained leave and made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the petition of Samuel H. Patterson, have had the same under consideration and find that within the year 1846, under the provisions of "an act to lease the Indiana State Prison and for other purposes," approved January 16, 1846, that the said Samuel H. Patterson was elected lessee of the Indiana State Prison, and that by the provisions of said act the duties of the said Patterson was to provide support for the provisions and receive the labor thereof, for which the said Samuel H. Patterson was to pay the State of Indiana the sum of eight thousand dollars per annum. And the State, by said act, gave the entire custody and control of the prisoners to the Warden of said prison, whose duty it was to receive, superintend and discharge said prisoners, having entire control of all the inmates of said prison.— And further, that under the provisions of an act establishing Courts of Common Pleas, approved May 14, 1852, several persons were tried, convicted and sentenced by said Courts of Common Pleas in various counties in this State, and by the sheriffs of said counties delivered to the Warden of said prison, and by said Warden retained in custody until said persons applied to the proper courts and were discharged from custody under writs of habeas corpus, the Supreme Court of this State having previously decided that said Courts of Common Pleas had no jurisdiction of felonies, your committee find among those so discharged from the custody of the Warden of said prison the following named persons, to-wit: Joseph Nicholson, Henry Davis, John Burk, John Gavin, William Armstrong, Frederick Nutter and James Prior, who after their discharge as aforesaid, assigned their right of action against the said Samuel H. Patterson to Randall Crawford; and thereupon said Randall Crawford instituted suit against said Patterson and recovered judgment against the said Patterson, copies of which your committee have examined.

From one of said judgments an appeal was taken to the Supreme Court of this State and by said court affirmed, which judgments are now in full force and effect against the said Patterson—the said judgments, costs and interest, up to the present time, amounting to sixteen hundred and eighty-eight dollars and thirty-eight cents (\$1,688 38.)

Your committee is of the opinion that the said Patterson had no power to reject or refuse any convict convicted by any of the courts and accepted by the Warden of said prison, and that it was by the action of the State in her Legislative or judicial departments that said Patterson was subjected to said judgments and costs, and would recommend that the same be allowed, and that the Committee of Ways and Means be instructed to provide for the payment of the same in the specific appropriation bill.

Mr. Parrett moved that the report be laid upon the table.

Which was agreed to.

Mr. Cameron moved to reconsider the vote just taken, and lay that motion on the table.

Messrs. Packard and Stotsenburg demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Erwin, Feagler, Ferguson, Frasier, Goar, Hall, Haworth, Hayes, Henricks, Hudson, Hurd, Jenkinsen, Jones of Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Prosser, Prow, Sherman, Stevenson, Trier, Thomas, Thompson, Underwood, Williams and Woods—42.

Those who voted in the negative were,

Messrs. Atkison, Boydston, Branham, Brett, Brucker, Burgess, Cason, Collins of Adams, Combs, Coopriders, Dobbins, Epperson, Ferguson, Fleming, Ford, Fordyce, Gifford, Gresham, Harvey, Heffren, Hopkins, Horton, Jones of Vermillion, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Packard, Polk, Ragan, Robbins, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Turner, Veatch, Warrum, Woodhull and Mr. Speaker—38.

So the motion did not prevail.

The question recurring on reconsidering the vote by which the report was laid on the table.

Mr. Moorman moved the previous question,
Which was seconded.

The question being, shall the main question be now put?
Which was agreed to.

The question being on reconsidering the vote by which the report was laid on the table.

Messrs. Jenkinson and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Bingham, Black, Boydston, Branham, Brucker, Burgess, Campbell, Cason, Combs, Coopriders, Davis, Dobbins, Fisher, Fordyce, Gifford, Gresham, Grover, Harvey, Heffren, Jones of Vermillion, Kitchen, Knowlton, Lods, Lee, Moss, Nebeker, Packard, Polk, Robbins, Roberts, Sloan, Smith of Bartholomew,

Smith of Miami, Stevenson, Stotsenburg, Thompson, Turner, Veatch, Woodhull and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Bundy, Cameron, Collins of Whitley, Collins of Adams, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Ford, Fraley, Frasier, Goar, Hall, Haworth, Hayes, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Lane, Lightner, McClurg, Moody, Moorman, Newman, Orr, Owens, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Sherman, Trier, Thomas, Underwood and Williams—42.

So the vote was not reconsidered.

Mr. Branham obtained leave and introduced

House bill No. 348. A bill making specific appropriations for the year 1861.

Which was read a first time.

Mr. Branham moved to suspend the rule, and read the bill a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fleming, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Heffren, Hopkins, Horton, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Lods and Roberts—2.

So the rule was suspended.

House bill No. 348, was read a second time by its title.

Mr. Frasier moved that when this House adjourn it meets again at 7½ o'clock P. M.

Which was agreed to.

On motion by Mr. Heffren,
The House adjourned till 7½ o'clock.

7½ O'CLOCK, P. M.

The House met.

Pending the adjournment was the consideration of House bill No. 348—a bill making specific appropriations for the year 1861.

Mr. Branham moved to strike out "one hundred and eighty-three dollars," and insert "two hundred and forty-four dollars."

Messrs. Lane and Robbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Branham, Brucker, Bundy, Burgess, Cason, Collins of Whitley, Combs, Crain, Davis, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lods, Lightner, Moody, Moss, Nebeker, Newman, Orr, Parrett, Polk, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Boydston, Campbell, Coopridier, Dashiell, Ferguson, Lane, Moorman, Pitts, Prew, Ragan, Robbins, Stevenson, Trier and Thomas—14.

H. J.—58.

Mr. Cameron present and refusing to vote.

So the amendment was adopted.

Mr. Heffren moved to amend as follows :

Strike out of section 2, "three dollars per day," and insert "four dollars per day."

Which was agreed to.

Mr. Bundy moved to amend the third section by inserting four dollars instead of three dollars.

Messrs. Williams and Thomas demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Bundy, Burgess, Cason, Collins of Whitley, Combs, Crain, Dashiell, Fordyce, Fraley, Gresham, Grover, Harvey, Jones of Vermillion, Orr, Polk, Randall, Sherman, Sloan, Turner, Underwood, Veatch and Mr. Speaker—25.

Those who voted in the negative were,

Messrs. Atkinson, Black, Boydston, Branham, Brucker, Cameron, Campbell, Coopridge, Davis, Epperson, Erwin, Ferguson, Fisher, Frasier, Gifford, Goar, Haworth, Heffren, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Wayne, Kitchen, Lods, Lane, Lightner, Moody, Moorman, Moss, Nebeker, Packard, Parrett, Pitts, Polk, Prow, Ragan, Robbins, Roberts, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Williams and Wilson—48.

So the amendment did not prevail.

Mr. Jones, of Vermillion, moved to amend the fourth section by striking out "three dollars," and inserting "four dollars" per day for Principal Clerk.

Mr. Cameron moved to lay the amendment on the table.
Which was agreed to.

Mr. Veatch moved to further amend the 4th section, by striking out "three dollars," and inserting "two dollars," to all but Principal Clerk.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on the motion made by Mr. Veatch,
It was agreed to.

Mr. Branham moved to amend the 5th section, by inserting "four dollars" wherever it occurs, instead of "three dollars."
Which was agreed to.

Mr. Heffren moved to amend the 6th section, by striking out "three dollars," and inserting "two dollars."

Mr. Cameron moved to lay the amendment on the table.
Which was agreed to.

Mr. Jenkinson moved to amend section nine by striking out "three dollars," and inserting "four dollars."
Which was not agreed to.

Mr. Heffren moved to strike out "three dollars," and insert "two dollars."
Which was not agreed to.

Mr. Branham moved to amend the 12th section by striking out "fifty-five days," and inserting "sixty-one days."
Which was agreed to.

Mr. Heffren moved to further amend the 12th section by striking out "three dollars," and inserting "four dollars."
Which was not agreed to.

Mr. Grover moved to amend the 13th section, by allowing J. C. Plumb the sum of ten dollars for copying the school law.
Which was agreed to.

Mr. Branham moved to strike out section seventeen.
Which was agreed to.

Mr. Frasier moved to amend section 24 as follows: Strike out "three" and insert "two."

On motion by Mr. Gresham,
The amendment was laid on the table.

Mr. Heffren moved to amend section 26, by striking out "fifty dollars," and inserting "seventy-five dollars."

Which was agreed to.

Mr. Ford moved to strike out all of section twenty-six.
Which was not agreed to.

Mr. Heffren moved to amend section twenty-six, as follows: "and to National Guards' Band, fifty dollars, for attending the funeral of the late Governor Willard, at New Albany."

Which was agreed to.

Mr. Packard moved to amend the 26th section, by inserting the name of Mr. Jones, of Vermillion.

Which was agreed to.

Mr. Packard moved to strike out all relating to carriages.
Which was not agreed to.

Mr. Ford moved to strike out all but two carriages.
Which was not agreed to.

Mr. Heffren moved to amend section 28, as follows: "and to Mrs. Elizabeth Carter, one dollar, for work done on the flag for the State House.

Which was agreed to.

Mr. Heffren moved a further amendment to section 28, as follows: "to allow ——— McOuatt fifteen dollars, for roofing on State House cupola.

Which was adopted.

Mr. Heffren moved to amend the 28th section, by allowing the Indianapolis Greys', and Guards' bands twenty-five dollars each, for attending at the raising of the national flag on the dome of the Capitol.

Which was agreed to.

Mr. Packard moved to amend the 29th section, by allowing Jones, of Vermillion, as member of the Committee of Invitation.

Which was agreed to.

Mr. Heffren moved to amend section 30, by striking out "two thousand dollars," and inserting "fifteen hundred dollars."

Mr. Heffren moved to lay the amendment on the table.
Which was agreed to.

Mr. Robbins moved to amend the 44th section, by allowing Thomas A. Goodwin the sum of fifty dollars, for the *Weekly American*.
Which was agreed to.

Mr. Jenkinson moved to amend the 61st section, by inserting three dollars.

Mr. Heffren moved to lay the amendment on the table.
Which was agreed to.

Mr. Bundy moved to amend section sixty-one, by giving the Commissioners to the Peace Conference, at Washington City, the sum of five hundred dollars each.

Mr. Lane moved to amend the amendment, by allowing the Commissioners four hundred dollars.

Mr. Heffren moved to lay the amendment, offered by Mr. Lane, on the table.
It was agreed to.

Mr. Sherman moved to amend the amendment by inserting six hundred dollars instead of five hundred dollars.

Mr. Haworth moved to lay the amendment on the table.
Which was agreed to.

The question being on the amendment offered by Mr. Bundy.
It was agreed to.

Mr. Jones of Vermillion moved to amend the second clause of section sixty-three so as to read as follows:

Robert E. Craig, for fifty-two days services as clerk of said committee, at four dollars per day, \$208 00, for expenses to Michigan City, \$30 00; total, \$238 00.

Mr. Heffren moved to lay the amendment on the table.
Which was agreed to.

Mr. Heffren moved to amend section 63 by striking out "three dollars," and insert "two dollars" per day for swearing witnesses.
Which was agreed to.

Mr. Jenkinson moved to further amend by striking out "fourteen dollars," and insert "twenty dollars," to pay Mr. Bagot.

Mr. Branham moved to lay the amendment on the table.
Which was agreed to.

Mr. Jenkinson moved to further amend by allowing Gen. Achey for twelve days.

Mr. Bundy moved to lay the amendment on the table.
Which was agreed to.

Mr. Heffren moved to further amend by allowing Mr. Fleming five cents per mile for three hundred miles.
Which was agreed to.

Mr. Heffren moved to amend by striking out "fourteen days," to M. J. Lynch, and insert "five days."
Which was agreed to.

Mr. Branham moved a further amendment as follows: "to Klingensmith & Brother three dollars and eighty-seven cents for articles for House."
Which was adopted.

Mr. Heffren offered the following amendment:

SEC. — That I. P. Smith be allowed the sum of thirty dollars for making out list of acts passed during the present session, and also for showing the deposition of all bills introduced, in accordance with a resolution of the House.
Which was adopted.

Mr. Bundy offered the following:

SEC. — That Richard J. Ryan, Clerk of the last House of Representatives be allowed the sum of fifteen dollars for organizing this House.
Which was adopted.

Mr. Fisher offered the following:

SEC. — The sum of six hundred and fifty dollars be appropriated for fence and buildings on old fair grounds, and that the same be drawn by the Librarian, and paid to the State Board of Agriculture in accordance with a contract made with late Librarian.
Which was not agreed to.

Mr. Frasier offered the following :

SEC. —. That Ariel and W. H. Drapier be allowed five hundred dollars for five hundred copies of the Brevier Legislative Reports of the present session for the use of the House of Representatives, being five copies for each member.

The question being on the adoption of the amendment.

Messrs. Lane and Nebeker demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branhams, Brett, Brucker, Burgess, Cameron, Cason, Collins of Adams, Combs, Coopridier, Davis, Erwin, Feagler, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Haworth, Heffren, Henrieks, Hudson, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitlen, Lods, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Stevenson, Stotsenburg, Trier, Turner, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Campbell, Collins of Whitley, Epperson, Lane, Lightner, Moorman, Nebeker, Newman, Orr, Robbins, Smith of Miami, Thompson and Underwood—13.

So the amendment was agreed to.

Mr. Burgess moved to add the following :

That James A. Bell be allowed the sum of three dollars and fifty cents for drayage and postage stamps.

Which was agreed to.

Mr. Moody offered the following amendment :

Insert "That the sum of \$1,500 00 be appropriated to pay the expenses of making the swamp land investigation, in paying a clerk and a messenger, and in paying the committee each \$3 per day for each day they may be actually engaged in the discharge of their duties, together with the usual mileage allowed to members of the General Assembly, to be computed at the actual distance necessarily traveled in the discharge of their duties, and in paying witnesses at the rate of one dollar per day, and five cents per mile for each mile actually traveled in going from their usual places of residence to the place of meeting of said committee, to be certified by the chairman.

Mr. Heffren moved to amend the amendment by inserting four dollars instead of three dollars per day, and strike out all that relates to mileage.

Which was accepted by the mover.

Mr. Packard moved to lay the amendment offered by Mr. Moody on the table.

Mr. Cameron moved the previous question.

Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being on the adoption of the amendment offered by Mr. Moody,

It was agreed to.

Mr. Stotsenburg moved to reconsider the vote just taken.

Mr. Heffren moved to lay the motion on the table.

Messrs. Stotsenburg and Bundy demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Branham, Brett, Burgess, Cameron, Cason, Combs, Coopridler, Davis, Epperson, Erwin, Feagler, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Haworth, Heffren, Jenkinson, Jones of Vermillion, Kitchen, Lods, Lightner, Moody, Moorman, Nebeker, Parrett, Polk, Prosser, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Williams, Woodhull, Woods and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Black, Bundy, Campbell, Ferguson, Hudson, Lane, Newman, Orr, Packard, Ragan, Roberts, Stotsenburg and Trier—13.

No quorum voting.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives, that the Senate has passed the following engrossed bills of the House, without amendment, to-wit :

House bill No. 42. A bill to authorize the Gibson Circuit Court to hear testimony and make a decree in reference to the erection and sale of the county seminary of said county.

House bill No. 103. A bill to provide for the erection and repair of any bridge across a stream forming the boundary line between two counties, and to repeal section seven of an act approved March 3, 1855, entitled "an act to provide for the erection and repair of bridges," and to repeal an act entitled "an act to provide for the erection and repair of bridges," approved May 12, 1852.

House bill No. 283. A bill to provide for the payment of interest on the State debt due January 1, 1861.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House, for the signatures of the Speaker and Clerk thereof, enrolled bill of the Senate No. 115 :

"A bill to amend the second and fifth sections of an act entitled 'an act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages and for other purposes,' approved January 28, 1847, and containing some provisions respecting the reinstating of mortgages given for loans made from the sinking fund, or any fund loaned by the Auditor or Treasurer of State, and of sales made on account of any of said funds, and respecting the collection, safety and control of said funds, the time and place and manner of making sales, the proceedings against purchasers who fail to complete, and matter properly connected therewith, and to authorize the conversion of Indiana stocks into bank bonds, and requiring the commissioners to account for all interest on deposits of income of the fund and making the same a part thereof."

On motion by Mr. Heffren,
The House adjourned till to-morrow morning at 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
 March 8, 1861. }

The House met pursuant to adjournment.

On motion by Mr. Gifford,
 The reading of the Journal was dispensed with.

Pending the adjournment last evening, was the consideration of

House bill No. 348. A bill for making specific appropriations for the year 1861.

Mr. Stotsenburg moved to reconsider the vote by which the House adopted the amendment offered by Mr. Moody, in relation to the pay of the Commissioners to investigate the frauds in the swamp lands.

Mr. Bundy, by unanimous consent, offered the following amendment :

SEC. —. That George Hazzard be allowed three dollars a day for thirty-two days' service as Assistant Doorkeeper in distributing documents, papers, and labor performed about the House under the direction of the Doorkeeper.

Mr. Gifford moved to lay the amendment on the table.
 Which was agreed to.

Mr. Sloan offered the following :

Amend by allowing G. W. Griffith for repairing and cleaning flue, and patching ceiling in the office of Superintendent of Public Instruction, ten dollars.

On motion by Mr. Branham,
 The amendment was laid on the table.

Mr. Black offered the following amendment :

That the sum of one thousand dollars be allowed to Morrison & Ray for services rendered as attorneys in a case involving title to grounds upon which the Blind Asylum is situated, according to allowance made by President and Board of Trustees of said Institution.

On motion by Mr. Brett,
The amendment was laid on the table.

Mr. Dobbins offered the following :

Insert in section —, “three hundred dollars to Andrew J. Gray for arresting and bringing to punishment fugitives from justice from other States, under the direction of the Governor.

On motion by Mr. Haworth,
The amendment was laid on the table.

Mr. Branham moved to amend as follows :

That W. H. Talbott & Co. be allowed four dollars for scroll for eagle : that Jacob Lindley be allowed the sum of three dollars and fifteen cents for pitcher, etc., for the use of the House ; that Ballues & Kindler be allowed one dollar for keys for State House ; and that Speigle, Thoms & Co. be allowed seventeen dollars for chests, &c., for use of the House ; that Robert Browning be allowed the sum of three dollars for three thermometers, and soap ; that D. Brayden be allowed the sum of two dollars and forty cents for desk-locks, scoop-shovel, &c. ; that J. B. Wilson be allowed two dollars and seventy-five cents for candle-sticks and scales.

Which was agreed to.

Mr. Collins of Adams, offered the following :

Amend by allowing Samuel L. Rugg, late Superintendent of Public Instruction, three dollars a day for thirty days' service in assisting the Committee on Education in preparing their work at the present session of the Legislature, which service was rendered at the request of Mr. Grover, chairman of the Committee on Education, and Mr. Miller, chairman of the Committee on the same subject.

Mr. Orr moved to lay the amendment on the table.
Which was not agreed to.

The amendment was then adopted.

Mr. Sherman offered the following :

Amend by adding twenty-five thousand dollars for 1861, and twenty-five thousand for 1862, for the purpose of purchasing material for building the Northern Penitentiary.

On motion by Mr. Bundy,
The amendment was laid on the table.

Pending the adjournment last evening, was the motion by Mr. Heffren, to lay on the table the motion of Mr. Stotsenburg to reconsider the vote by which the amendment offered by Mr. Moody was adopted.

The ayes and noes previously demanded by by Messrs. Stotsenburg and Bundy.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Brucker, Cameron, Campbell, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, Moody, Moorman, Nebeker, Newman, Owens, Parrett, Polk, Prosser, Randall, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Warum, Williams, Woodhull, Woods and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Atkinson, Black, Bundy, Collins of Adams, Combs, Coopridier, Ford, Fraley, Horton, Howard, Kitchen, Knowlton, Lods, Lane, McClurg, McLean, Orr, Packard, Pitts, Prow, Roberts, Smith of Bartholomew, Stotsenburg and Trier—24.

So the motion prevailed.

Mr. Brett offered the following amendment:

That the sum of three hundred dollars be appropriated to defray the expenses of the select committee appointed to investigate the condition of the land office of the Trustees of Wabash and Erie Canal, and the conduct of said Trustees with reference to the injunction obtained by John Ferguson and others vs. said Trustees.

Mr. Orr moved to lay the amendment on the table.
Which was not agreed to.

Mr. Cameron moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
 It was so ordered, and
 Mr. Brett's amendment adopted.

Mr. Black offered the following amendment:

That the sum of eight hundred and seventy-seven dollars be allowed to Jno. W. Dodd for expenses and reward paid out by him in arresting and convicting certain felons who perpetrated the Boone County Bank fraud, as per bill filed.

Mr. Jenkinson offered the following amendment to the amendment:

That John W. Dodd be allowed the sum of ——— dollars for his services and expenses in the investigation and prosecution of the Boone County Bank frauds to be credited him on the amount of illegal fees retained by him, and \$51,000 of warrants by him drawn as late Auditor of State on account of the Northern Indiana State Prison.

Mr. Cameron moved to fill the blank with ten cents.

Mr. Bundy moved to lay the foregoing amendments on the table.

Mr. Black demanded a division of the question.
 Which was ordered.

The question being on the motion to lay the amendment to the amendment of Mr. Black, offered by Mr. Jenkinson, on the table,
 It was so ordered.

The question recurring on laying the amendment offered by Mr. Black on the table,
 It was so ordered.

Mr. Heffren offered the following amendment:

That Latham B. Brown be allowed ——— dollars per day for twenty days extra service at the State House during the present session of the Legislature.

Mr. Heffren moved to insert two dollars in the blank.
 Which was agreed to.

The amendment was then adopted.

Mr. Heffren offered the following:

That John Linihan be allowed for twenty-two days extra labor at the State House during the present session.

On motion by Mr. Lane,
The amendment was laid on the table.

Mr. Branham offered the following:

That Bowen, Stewart & Co. be allowed one dollar and fifty cents for two dozen inkstands.

Which was agreed to.

Mr. Brett offered the following amendment:

That John W. Blake be allowed forty-three dollars and seventy cents for per diem and mileage, as per bill presented and filed.

On motion by Mr. Ferguson,
The amendment was laid on the table.

Mr. Frasier moved to reconsider the vote by which two thousand dollars was paid to Mr. W. L. Bryant for papering and painting the State House.

Mr. Bundy moved to lay the motion on the table.
Which was not agreed to.

The question recurring on the motion made by Mr. Frasier to reconsider,
It was agreed to.

Mr. Branham moved to strike out "two thousand dollars" and insert "one thousand dollars" in lieu thereof, and refer the remainder of the bill to the joint committee on public expenditures.

Which was agreed to.

Mr. Williams moved to reconsider the vote allowing engrossing clerks three dollars per day.
Which was not agreed to.

Mr. Branham offered the following:

That J. A. Ross be allowed one hundred and sixty-two dollars for 1500 bushels of coal furnished the House.

Which was adopted.

Mr. Jones of Vermillion offered the following:

SEC. — That M. A. O. Packard be allowed two dollars and fifty cents for conveyance to Insane Hospital and Deaf and Dumb Asylum on business of the Committee on Benevolent Institutions.

Which was agreed to.

Mr. Heffren offered the following:

That N. F. Cunningham be allowed $\frac{1}{4}$ of one per cent. for receiving and disbursing swamp land fund.

On motion by Mr. Bundy,
The amendment was laid on the table.

Mr. Heffren moved to allow Robert E. Craig, clerk of the select committee to investigate the affairs of the Northern Penitentiary, for fifty-two days instead of forty-four days.

Which was agreed to.

Mr. Packard moved to reconsider the vote allowing Samuel E. Hazzard and John H. Johnston, doorkeepers, but three dollars per day.

Which was not agreed to.

Mr. Ford offered the following:

That D. M. Jones, Ira G. Grover, C. S. Dobbins, Wm. Bryan, W. W. Owens, Wm. Horton, — Collins and — Brucker, be allowed thirty dollars each for expenses in visiting Southern Prison, in all \$240 00.

Which was agreed to.

Mr. Dobbins asked and obtained leave of absence, on account of sickness, from and after to-morrow.

On motion by Mr. Orr,

The name of Mr. Hurd was added in the proper place along with the other members of the Committee on Invitation.

The amendments were adopted, and the bill ordered to be engrossed.

Mr. Bundy moved that the bill be considered as engrossed and read a third time now.

House bill No. 348 was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Crain, Dashiel, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Henricks, Hopkins, Herton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Prosser, Ragan, Randall, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

Those who voted in the negative were.

Messrs. Coopridger, Davis, Ford, Kitchen, Knowlton, Lods, Lane, Prow, Robbins, Roberts, Smith of Bartholomew, Stotsenburg, Trier and Warrum—14.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom was referred House bills Nos. 42 and 283, have carefully compared the same, and find that they are properly enrolled.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom was referred House bill No. 103, have carefully compared the same, and beg leave to report that it is properly enrolled.

On motion by Mr. Bundy,
The House adjourned till 2 o'clock P. M.

2 O'CLOCK, P. M.

The House met.

A message from the Governor, by Mr. Holloway, Executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 42. A bill to authorize the Gibson county Circuit Court to hear testimony and make a decree in reference to the erection and sale of the County Seminary of said county. Also,

House bill No. 283. A bill to provide for the payment of interest of the State debt, due January 1, 1861, and that he has caused the same to be filed in the office of the Secretary of State.

Mr. Jones of Vermillion asked and obtained leave to introduce,

House bill No. 349. A bill supplemental to an act entitled "An act to provide for the government and discipline of the State Prison," and to repeal an act to provide for the government and discipline of the State prison, approved March 3, 1855; and all other laws or parts of laws inconsistent herewith," approved February 5, 1857; providing that the directors of said prison may work the convicts outside the walls of said prison under certain restrictions, and providing punishment for any interference with the officers and convicts of said prison while so employed; and providing for the purchase of ground for a grave yard; for the enlargement of a female department of the prison; for the transfer of insane convicts to the Hospital for the Insane; and authorizing said directors to adjust and settle all matters in controversy with the contractors in said prison; to make new contracts with said contractors; and repealing section eleven of an act entitled "An act to provide for the government and discipline of the State prison, and to repeal an act entitled 'An act to provide for the government and discipline of the State prison.'" approved March 3, 1855; and all other laws or parts of laws inconsistent herewith," approved February 5, 1857.

Was read a first time.

Mr. Branham moved to suspend the rule and read the bill a second time by its title now.

H. J.—59.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Branham, Brucker, Bryan, Cameron, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Lane, Lightner, Nebeker, Orr, Owens, Packard, Prosser, Ragan, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thompson, Turner, Underwood, Veatch, Warrum, Woodhull, Woods and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Black, Boydston, Bundy, Campbell, Davis, Feagler, Hayes, Heffren, Howard, Kitchen, Lods, Moorman, Mutz, Newman, Parrett, Pitts, Prow, Trier and Williams—19.

So the rule was suspended and bill No. 349 read a second time by its title.

On motion by Mr. Branham,

The bill was referred to the Committee on the Judiciary. with instruction to report to-morrow morning.

Mr. Williams moved that the House do now adjourn.
Which was not agreed to.

Mr. Branham moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 346. A bill in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith.

With the following engrossed amendment thereto:

Strike out "five cents" wherevr those words occur in the bill, and insert in the place thereof "two cents."

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Branham moved that the House refuse to concur in the foregoing engrossed amendments of the Senate.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the action of the House.

Mr. Branham moved to take up the following message from the Senate :

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 336. A bill making general appropriations for the years 1861 and 1862.

Add to section two the following :

"That the sum of twelve hundred dollars be allowed for furniture for the Governor's house."

Amend section —, by filling the blank with "fifteen thousand dollars."

Amend section —, by increasing the contingent funds for the years 1861 and 1862, to five thousand dollars.

Add the following section :

SEC. —. That the sum of one thousand dollars be appropriated for the purpose of procuring wrought iron bedsteads for the use of the Hospital for the Insane for the year 1861.

With the following engrossed amendments thereto :

Add to section eight the following: "And fourteen thousand dollars for the current expenses and salaries of officers of the State

Prison South, and for current expenses and salaries of officers of the State Prison North, the sum of fifteen thousand dollars."

In which the concurrence of the House of Representatives is respectfully requested.

On motion,

The engrossed amendment of the Senate to House bill No. 336, section 2, was concurred in.

Mr. Heffren moved to concur in the second engrossed amendment of the Senate to House bill No. 336.

Messrs. Heffren and Prosser demanded the ayes and noes.

Mr. Cameron demanded the previous question.

Which was seconded.

The question being, shall the main question be now put?
It was ordered.

Those who voted in the affirmative were,

Messrs. Anderson, Cameron, Dobbins, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Knowlton, Parrett, Ragan, Randall, Stevenson, Woodhull and Woods—14.

Those who voted in the negative were,

Messrs. Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Gear, Gresham, Grover, Hall, Haworth, Harvey, Hayes, Heffren, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Pitts, Prosser, Prow, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warum, Williams, Wilson and Mr. Speaker—74.

So the amendment was not concurred in.

On motion,

The third engrossed amendment to House bill No. 336, was concurred in.

On motion,

The fourth engrossed amendment to House bill No. 336, was concurred in.

Mr. Heffren moved to concur in the fourth engrossed amendment to House bill No. 336.

Mr. Branham called for a division of the question.
Which was ordered.

The question being on that part of the fifth engrossed amendment to House bill No. 336, making appropriations for State Prison North. It was not concurred in.

The question recurring on concurring in that part of said amendment making appropriations for Southern State Prison,
It was concurred in.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate insists upon its engrossed amendments to

House bill No. 346. An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith.

And that the Senate asks a conference upon the disagreement of the House to said engrossed amendments.

I am further instructed to inform the House that the Senate has selected Senators Slack, Wagner and Miller, to conduct said conference on the part of the Senate.

Messrs. Branham, Prosser and Fisher, were appointed said committee on the part of the House.

Mr. Heffren moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof:

Senate bill No. 114. A bill for the relief of borrowers of Sinking Fund, Surplus Revenue Fund, Saline Fund, Congressional School Fund, and other funds, and to repeal a certain act therein named, and prescribing how mortgages may be substituted, and matters properly connected therewith,

In which the concurrence of the House is respectfully requested.

Senate bill No. 114 was read a first time.

Mr. McLane moved to suspend the rule, and read the bill a second time by its title.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Combs, Coop-
rider, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Henricks, Hopkins, Horton, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Lightner, Lods, McClurg, McLean, Moody, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wilson, Woodhull, Woods and Mr. Speaker—78.

No one voting in the negative.

So the rule was suspended, and Senate bill No. 114 was read a second time by its title.

Mr. McLean moved that the bill be read a third time now,
Which was agreed to.

Senate bill No. 114 was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henriks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson Woodhull, Woods and Mr. Speaker—87.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Branham, from the Committee on Free Conference, made the following report:

MR. SPEAKER:

The Committee of Free Conference, to whom was referred House bill No. 346, have met the Committee on the part of the Senate, and have agreed upon the following report:

That the Senate recede from their amendment, and submit the following in lieu thereof:

In the ninth line of the first section, strike out the figures "1862," and insert in lieu thereof "1863," and insert in the fifth line of the same section, after 1861, "and 1862."

D. C. BRANHAM,	JAMES R. SLACK,
S. FISHER,	JOHN F. MILLER,
L. PROSSER.	G. D. WAGNER.

The report was concurred in, and the amendments adopted.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has adopted the following concurrent resolution of the House, to-wit :

A concurrent resolution providing for the appointment of a joint select committee to investigate the frauds upon the Swamp Land fund.

Be it resolved, the Senate concurring, That a joint select committee of three be appointed, two on the part of the House and one on the part of the Senate, whose duty it shall be to inquire into the management of the Swamp Land fund, and to investigate the alleged frauds committed upon such funds. That said committee shall have power to hold their sessions during the vacation, and at the city of Indianapolis, or at the county seats of the several counties in which frauds are alleged to have been committed, as they may deem advisable, and that they have power to send for persons and papers, and to compel the attendance of witnesses and the production of such books and papers as they may deem essential to a full investigation of the alleged frauds, and that they have power to attach witnesses as for contempt, and compel their attendance before said committee, and to do all and anything this House of right might do in said matters, hereby delegating to said committee all the powers this House may possess to said committee, for the purposes mentioned.

Be it further resolved, That whenever said committee shall complete the investigation in any county, that they thereupon make report of their proceedings in the premises, and of the testimony, to the Governor, and whenever they, after such investigation, shall conclude that a recovery may be had, in any instance, that they report such conclusion, together with the facts, to the Governor, who shall thereupon direct the Attorney General to bring suit against the parties.

Be it further resolved, That the committee shall have the power to employ a clerk and a messenger, who shall each receive three dollars per day for each day they shall be actually engaged in the discharge of their duties, to be certified by the chairman of said committee.

Mr. Bingham moved to suspend the order of business and go into the election of Trustees for the Deaf and Dumb Asylum and Blind Asylum ; also, take up the following message :

Which was agreed to.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate has adopted the following concurrent resolution thereof:

Be it resolved, By the Senate, the House of Representatives concurring therein, that the Senate and House of Representatives shall, upon the passage of this resolution, by either House, proceed immediately to elect by a *viva voce* vote, two Trustees for the Asylum for the Blind, and two Trustees for the Institution for the Education of the Deaf and Dumb, and two Commissioners for the Hospital for the Insane, and also a President for the said several Boards of Trustees and Commissioners; and the persons receiving a majority of all the votes cast in each House, shall be declared duly elected to fill the said several offices; and the Secretary of the Senate, and the Clerk of the House of Representatives, shall, immediately upon the choice as herein provided by the respective Houses, certify the same to the Governor and Secretary of State.

In which the concurrence of the Senate is respectfully requested.

In compliance with the foregoing concurrent resolution of both Houses of the General Assembly, the House proceeded by a *viva voce* vote to choose two Trustees for the Institution for the Education of the Deaf and Dumb.

Mr. Bingham nominated James C. Burt of the County of Jennings.

Mr. Prosser nominated John M. Kitchen, of Marion County.

Those who voted for James C. Burt were,

Messrs. Bingham, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Tippecanoe, Jones of Wayne, Kendrick, Lane, Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Williams, Wilson, Woodhull, Woods and Mr. Speaker—57.

Those who voted for John M. Kitchen were,

Messrs. Anderson, Black, Boydston, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Ford, Gifford, Hayes, Horton, Howard, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Pitts, Prosser, Prow, Robbins, Stevenson, Stotsenburg, Trier and Warrum—29.

Messrs. Packard and Roberts voted for ———.

Mr. Heffren voted for W. H. Talbott.

Mr. Smith of Bartholomew voted for Aquilla Jones.

James C. Burt having received a majority of all the votes cast was declared duly elected on the part of the House of Representatives, a Trustee for the Institution for the Education of the Deaf and Dumb for two years from and after his election and qualification.

The House then proceeded by a *viva voce* vote to choose a second Trustee for the same Institution.

Mr. Stotsenburg nominated Thomas W. Woolen of the County of Johnson.

Mr. Prosser nominated John M. Kitchen of Marion County.

Those who voted for John M. Kitchen were,

Messrs. Anderson, Atkison, Bingham, Black, Boydston, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fraley, Frasier, Gifford, Goar, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lightner, McLean, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Prosser, Ragan, Randall, Sherman, Sloan, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Wilson, Woodhull, Woods and Mr. Speaker—70.

Those who voted for Thomas W. Woolen were,

Messrs. Combs, Coopridger, Dobbins, Fordyce, Gresham, Howard, Knowlton, Lods, Lee, McClurg, Mutz, Packard, Prow, Smith of Bartholomew, Stevenson, Stotsenburg and Warrum—17.

Mr. Heffren voted for Jeff. Davis.

Mr. Robbins voted for H. Brady.

Mr. Kitchen having received a majority of all the votes cast was declared duly elected as Trustee on the part of the House for the Deaf and Dumb Asylum.

The House then proceeded by a *viva voce* vote to choose a Trustee for the Asylum for the Blind.

Mr. Stotsenburg nominated Harvey G. Hazzelrig.

Mr. Haworth nominated William M. Smith of the County of Fayette.

Those who voted for William M. Smith were,

Messrs. Anderson, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Frasier, Goar, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—52.

Those who voted for H. G. Hazzlerigg were,

Messrs. Black, Collins of Adams, Combs, Ford, Fordyce, Fraley, Gifford, Hayes, Howard, Kitchen, Lane, Lee, McLean, Moss, Mutz, Packard, Robbins, Roberts, Stevenson, Stotsenburg, Trier, Warrum and Wilson—23.

Messrs. Lods, McClurg and Pitts, voted ———.

Messrs. Coopridner and Dobbins voted for A. A. Hammond.

Messrs. Gresham and Prosser voted for M. Fitzgibbon.

Mr. Heffren voted for John Slidell.

Mr. Atkinson voted for S. A. Douglas.

William M. Smith, having received a majority of all the votes cast, was declared duly elected, on the part of the House a Trustee for the Asylum for the Blind, for two years from and after his election and qualification.

The House then proceeded to choose, by a *viva voce* vote, a second Trustee for the Asylum for the Blind.

Mr. Crain nominated John Beard, of Montgomery county.

Mr. Stotsenburg nominated Michael Fitzgibbon, of Marion county.

Those who voted for Mr. Beard were,

Messrs. Bingham, Brucker, Bryan, Bundy, Burgess, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson,

Fisher, Fordyce, Fraley, Frasier, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane Lee, Lightner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Smith of Miami, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—52.

Those who voted for Michael Fitzgibbon were,

Messrs. Atkinson, Black, Brett, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Ford, Gifford, Goar, Hayes, Heffren, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, McLean, Moss, Mutz, Owens, Packard, Pitts, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Warrum, and Wilson—36.

Mr. Beard, having received a majority of all the votes cast, was declared duly elected a Trustee for the Asylum for the Blind, for two years from his election and qualification.

Ordered, That the Clerk inform the Senate thereof.

Mr. Branham moved to take up the following message from the Senate:

Which was agreed to.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate, to inform the House that the Senate insists upon the following engrossed amendments to

House bill No. 336. A bill making general appropriations for the years 1861 and 1862, to-wit:

Add to section 8: And for the current expenses and salaries of officers of the State Prison North the sum of fifteen thousand dollars.

Fill the blank in section — with the words "fifteen thousand dollars."

And that the Senate asks a conference on the disagreement of the House to said engrossed amendments.

I am further instructed to inform the House that the Senate has selected Senators Wagner, Ray and Miller, to conduct said conference on behalf of the Senate.

The Speaker appointed Messrs. Branham, Fisher and Prosser said committee on the part of the House.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that, in accordance with the recommendation of the Committee of free conference on

House bill No. 346. An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith.

The Senate has receded from its engrossed amendments to said bill, and in lieu thereof has adopted the following engrossed amendments, proposed by said committee:

In the ninth line of the first section of the bill, strike out the figures "1862," and insert "1863," and insert in the fifth line of the same section, after the figures "1861," the words and figures, "and 1862."

In which engrossed amendments the concurrence of the House is respectfully requested.

On motion,

The House concurred in the engrossed amendment enclosed in the foregoing message, to House bill No. 346.

Ordered. That the Clerk inform the Senate thereof.

Senate bill No. 98. A bill to amend the thirteenth and fourteenth sections of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Braham, Brett, Brucker, Bryan, Bundy, Cameron, Campbell, Collins of Adams, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes,

Henricks, Hopkins, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Mutz, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, and Mr. Speaker—83.

Mr. Heffren voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 25. A bill authorizing Justices of the Peace, Notaries Public, Mayors of towns and cities, and Clerks of Circuit and Common Pleas Courts to administer oaths generally, and County Auditors in certain cases, and to legalize such as may heretofore have been administered by any of said officers.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Brucker, Bryan, Bundy, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Harvey, Haworth, Hayes, Hopkins, Horton, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—75.

Those who voted in the negative were.

Messrs. Dobbins, Heffren and Mutz—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion,
Senate bill No. 5. was laid on the table.

Senate bill No. 86. A bill to amend the third, fourth, sixth, seventh and forty-ninth sections of an act entitled "an act to amend an act to authorize and regulate the business of general banking," passed March 3, 1855.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Combs, Coopriders, Crain, Dashiel, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Heffren, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prow, Ragan, Randall, Roberts, Sloan, Smith of Miami, Stevenson, Stetsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull and Mr. Speaker—79.

Those who voted in the negative were,

Messrs. Black, Howard, Kitchen, Knowlton, Lods, Prosser, Robins, Smith of Bartholomew, Trier and Woods—10.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Branham moved that when the House adjourn it adjourn to meet at 7½ o'clock P. M.

Which was agreed to.

Senate bill No. 36. A bill to amend the forty-ninth section of an act entitled "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bingham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopriders,

Davis, Dobbins, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Goar, Gresham, Grover, Henricks, Hopkins, Hurd, Jenkinson, Jones of Vermillion, Kendrick, Lane, Lightner, McClurg, Moorman, Moss, Mutz, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Atkinson, Black, Branham, Boydston, Crain, Epperson, Feagler, Gifford, Hall, Harvey, Haworth, Heffren, Howard, Jones of Tippecanoe, Jones of Wayne, Kitchen, Lods, Moody, Nebeker, Smith of Miami, Trier, Thomas and Woods—22.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared engrossed House bill No. 348 with the original and find it correctly engrossed.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, without amendment, to-wit:

House bill No. 133. A bill in relation to witnesses, and to amend section 238 of article 13 of the act entitled "An act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when this act shall take effect and be in force.

On motion,
The House adjourned.

7½ O'CLOCK, P. M.

The House met.

Mr. Frasier moved a call of the House.
Which was not agreed to.

Senate bill No. 77. A bill to amend the 33d section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Boydston, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Adams, Coopridier, Crain, Dashiell, Davis, Dobbins, Epperson, Ferguson, Fisher, Ford, Fordyce, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Hopkins, Horton, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lightner, Moorman, Moss, Mutz, Nebeker, Orr, Owens, Parrett, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Warrum, Williams, Woodhull, Woods and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Collins of Whitley, Heffren, McClurg, Packard, and Underwood—5.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 20. A bill supplemental to an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contrary to the provisions of this act, and prescribing penalties for the violation thereof," approved March 5, 1859,
H. J.—60.

providing for appeals in the case of persons applying for license to sell intoxicating liquors, and for those remonstrating against such applications under the provisions thereof, and to make a trial by jury in suits in relation thereto final.

Was read a third time.

Mr. Heffren moved to strike out the publication clause,
Which was not agreed to.

Mr. Ferguson moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Boydston, Branham, Bryan, Burgess, Cameron, Campbell, Collins of Whitley, Coopridner, Crain, Dashiell, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Jones of Vermillion, Jones of Wayne, Lane, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Stevenson, Thomas, Thompson, Turner, Underwood, Warrum, Williams, Woodhull, Woods and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Black, Brett, Brucker, Collins of Adams, Combs, Ford, Gifford, Hayes, Heffren, Horton, Howard, Kitchen, Knowlton, Lods, Moss, Mutz, Owens, Packard, Pitts, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Smith of Miami, Stotsenburg—27.

So the bill failed for want of a constitutional majority.

The bill was again taken up, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridner, Crain, Dashiell, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Light-

ner, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Sherman, Sloan, Stevenson, Thomas, Thompson, Turner, Underwood, Warrum, Williams, Woodhull and Woods—52.

Those who voted in the negative were,

Messrs. Bingham, Black, Brett, Brucker, Collins of Adams, Combs, Davis, Dobbins, Ford, Gifford, Gresham, Hayes, Heffren, Horton, Howard, Kitchen, Knowlton, Lods, McClurg, Moss, Mutz, Owens, Packard, Pitts, Prosser, Prow, Robbins, Roberts, Smith of Bartholomew, Smith of Miami, Stotsenburg, Veatch, and Mr. Speaker—33.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House, for the signatures of the Speaker and Clerk thereof, Senate bill No. 114.

Senate bill No. 11. A bill to amend one hundred and fifty-one of an act entitled “an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and Auditor of State, approved June 21st, 1852.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brett, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Collins of Adams, Crain, Dashiell, Epperson, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Gear, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lightner, Moody, Moorman, Moss, Nebeker, Newman, Owens, Parrett, Pitts, Prosser, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Woodhull and Woods—59.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brucker, Bryan, Campbell, Combs, Coop-
rider, Davis, Dobbins, Erwin, Hayes, Hefiren, Horton, Howard, Lods,
Lane, McClurg, Mutz, Prow, Sherman, Stotsenburg and Wells—22.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 52. A bill to amend section 352 of an act to re-
vise, simplify and abridge the rules, practice, pleadings and forms in
civil cases in the courts of this State; to abolish distinct forms of
action at law, and to provide for the administration of justice in a
uniform mode of pleading and practice, without distinction between
law and equity, approved June 18, 1852.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brucker,
Bryan, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins
of Adams, Combs, Coopridner, Crain, Dashiell, Dobbins, Epperson,
Erwin, Ferguson, Fisher, Fordyce, Gifford, Goar, Gresham, Grover,
Haworth, Henricks, Howard, Hudson, Jones of Vermillion, Jones of
Wayne, Kendrick, Lane, Lightner, Moody, Moorman, Mutz, Nebeker,
Newman, Orr, Owens, Packard, Parrett, Pitts, Prow, Randall, Rob-
bins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stev-
enson, Thomas, Thompson, Underwood, Veatch, Warrum, Woodhull
and Woods—61.

Those who voted in the negative were,

Messrs. Davis, Fraley, Frasier, Hall, Hayes, Hopkins, Kitchen,
Lods, Moss, Ragan, Stotsenburg, Turner and Williams—13.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 16. A bill requiring township assessors to ascer-
tain the number of sheep killed or injured by dogs, and their value.

On motion by Mr. Nebeker,
The bill was laid on the table.

Senate bill No. 79. A bill to amend section 4 of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Combs, Coopridier, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Fordyce, Frasier, Gifford, Goar, Hall, Haworth, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Warum, Williams, Woodhull, Woods and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Campbell, Dobbins, Fraley, Gresham, Hayes, Henricks. Pitts and Stotsenburg—8.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 49. A bill to provide for struck juries in the Circuit and Common Pleas Courts.

Was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bingham, Black, Boydston, Branham, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridier, Crain, Dashiell, Epperson, Fisher, Ford, Fordyce, Frasier, Goar, Gresham, Grover, Hall, Haworth, Henricks, Hopkins, Howard, Hudson, Jones of Wayne, Kendrick, Moody, Moorman, Newman, Parrett, Pitts, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Brucker, Combs, Davis, Dobbins, Erwin, Ferguson, Fraley, Gifford, Hayes, Jones of Vermillion, Kitchen, Lods, Lightner, Moss, Mutz, Nebeker, Orr, Packard, Prow, Stevenson, Stotsenburg and Warrum—26.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 18. A bill to amend section 315 of an act entitled "an act to revise, simplify and abridge the rules of practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Boydston, Branham, Brucker, Bundy, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Ferguson, Fordyce, Frasier, Gifford, Goar, Haworth, Hayes, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Thomas, Thompson, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Black, Combs, Gresham, Hall, Kitchen, Lods, Lane and Stevenson—8.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 19. A bill to amend the third section of an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harworth, Hayes, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—69.

Mr. Ferguson voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 177. A bill to amend section five of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith. Approved March 5, 1859.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Black, Boydston, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Combs, Crain, Davis, Ferguson, Fisher, Ford, Fordyce, Gifford, Gresham, Grover, Hall, Hopkins, Howard, Hudson, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Bingham, Branham, Brucker, Cam-

eron, Campbell, Coopridier, Dashiell, Dobbins, Erwin, Frasier, Goar, Haworth, Hayes, Henricks, Jones of Vermillion, Parrett and Prow—19.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 171. A bill to repeal an act entitled "An act to provide for the return of the jury in the Common Pleas Court at the third day of the term," approved March 5; 1859, and to authorize the judges of the Courts of Common Pleas, to fix the order of business in such Courts, and the day on which the jury shall be summoned to appear in such Court.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridier, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Haworth, Hayes, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane, Lightner, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—69.

Messrs. Moss and Stotsenburg voting in the negative—2.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Senate bill No. 26. A bill supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a court house; and where a deed has been executed, to provide, also, for the transfer of any equitable title for the termination of actions growing out of such re-locations, and for the transfer of the former county property," approved December 22, 1858; so as to legalize and confirm the action of Boards of Commissioners in cases where public property has been conveyed under the provisions of

such act, and to provide for the conveyance of the asylum for the poor in certain cases, and to provide, also, that the trustees created under the act to which this is supplemental, shall constitute bodies politic and corporate.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Branham, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopriider, Dashiell, Davis, Dobbins, Ferguson, Fo. dyce, Frasier, Gifford, Goar, Gresham, Hall, Henricks, Hopkins, Howard, Hudson, Kendrick, Kitchen, Lightner, Moody, Moorman, Mutz, Nebeker, Newman, Packard, Randall, Robbins, Sherman, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Veatch, Williams, Woodhull and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Brucker, Bundy, Crain, Epperson, Erwin, Fisher, Fraley, Haworth, Hayes, Jones of Vermillion, Jones of Wayne, Lods, Lane, Moss, Orr, Parrett, Prow, Ragan, Roberts, Stotsenburg, Underwood and Warrum—25.

So the bill failed for want of a constitutional majority.

Senate bill No. 136. A bill to amend section six of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852.

Was read a third time.

On motion by Mr. Kendrick,

The bill was recommitted to the Committee on County and Township business.

Mr. Stotsenburg moved to take up the following message from the Senate:

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has concurred in the engrossed amendments of the House to the following engrossed bills of the Senate, to-wit:

Senate bill No. 36. A bill to amend the forty-ninth section of an act entitled "an act to provide for the opening, vacating and changing of highways," approved June 17, 1852.

Senate bill No. 86. A bill to amend the third, fourth, sixth, seventh and forty-ninth sections of an act entitled "an act to authorize and regulate the business of general banking," passed March 3, 1855.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 81. A bill to quiet the title of a piece of ground in Vanderburgh county, known as out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on part of north-west quarter of section 29 of township six south of range 10 west.

House bill No. 82. A bill to amend the seventh section of an act entitled "an act to incorporate the South Bend Manufacturing Company, and to repeal the ninth section of the same," approved December 28, 1842.

House bill No. 100. A bill authorizing Township Trustees to assign certificates of purchase of saline lands which were purchased with district school funds by the inhabitants of school districts in Congressional Townships for school house sites.

House bill No. 176. A bill to license dogs, and providing for the payment of damages sustained in the maiming or killing of sheep by dogs, declaring unlicensed dogs nuisances, and declaring under what circumstances they may be killed, and prescribing a punishment for killing licensed dogs, and to provide penalties for the violation of any provisions of said act by officers and others.

House bill No. 296. A bill to amend section sixteen of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

House bill No. 324. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the second Judicial Circuit, to fix the time of holding said courts, requiring all persons to take notice thereof, providing for return of process, and declaring when this act shall take effect.

House bill No. 10. A bill authorizing county libraries to loan certain funds, and regulating the same."

House bill No. 77. A bill to amend the sixth section of an act to incorporate the St Joseph Iron Company, and to repeal the seventh, eighth, ninth, tenth, eleventh and twelfth sections thereof, approved January 22d, 1835.

Senate bill No. 294. A bill to provide for the necessary judicial proceedings to procure the removal of the feeder dam erected across the Calumet river in the State of Illinois, and for the payment of the expenses of such proceedings.

House bill No. 326. A bill to revise an act entitled "an act to legalize the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad Company, and for other purposes," approved February 4, 1851, extending the time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.

House bill No. 328. A bill to amend the fourth section of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith, approved March 5, 1859, and to provide for the return of process to the terms fixed by this act, and declaring when this act shall take effect."

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the engrossed amendments of the House to the following engrossed bill of the Senate, to-wit:

Senate bill No. 217. A bill to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries.

Senate bill No. 175. A bill to amend section forty-two of an act entitled an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof, approved May 14, 1853, so as to regulate the docking and disposal of the business thereof, and the act amendatory thereto, approved March 5, 1857,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Collins of Whitley, Coopridger, Crain, Davis, Epperson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Hall, Haworth, Heffren, Henricks, Hopkins, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Ragan, Randall, Robbins, Roberts, Sherman, Smith of Miami, Stevenson, Thomas, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Bundy, Collins of Whitley, Erwin, Ferguson, Gresham, Hayes, Horton, Howard and Stotsenburg—9.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 44. A bill to amend the first section of an act entitled "an act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence, and gone to parts unknown," approved March 5, 1859.

In which the concurrence of the House of Representatives is respectfully requested.

The engrossed amendment of the Senate to House bill No. 44 was concurred in.

Mr. McLean, from the Committee on Enrolled Bills, made the following report :

MR. SPEAKER :

The Committee on Enrolled Bills have compared enrolled House bill No. 133 with the engrossed copy thereof and it is correctly enrolled.

Senate bill No. 57. A bill to amend section one of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana: for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, and to legalize the actions of boards of county commissioners in regard to the levying of poll taxes for county purposes, and declaring an emergency for the immediate taking effect of this act.

Was read the third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Frasier, Gifford, Goar, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, McClurg, Moody, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Smith of Bartholomew, Smith of Miami, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Wells, Woodhull, Woods and Mr. Speaker—67.

Those who voted in the negative were,

Messrs. Davis, Fraley, Gresham, Lane, Lightner, McClurg, Moorman, Robbins and Stevenson—9.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 117. A bill to authorize and require Clerks of Circuit and Common Pleas Courts to enter satisfaction of certain

mortgages foreclosed in such courts and providing compensation therefor.

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Dashiell, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Hopkins, Horton, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Moody, Moorman, Nebeker, Newman, Packard, Parrett, Prow, Ragan, Randall, Robbins, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Black, Crain, Davis, Ford, Hayes, Howard, Kitchen, Lods, Lane, McClurg, Moss, Mutz, Orr, Prosser, Roberts, Stotsenburg and Warrum—17.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Mr. Frasier asked and obtained leave to make the following report from the Committee on County and Township Business:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred Senate bill No. 136—a bill to amend section six of an act entitled “an act providing for the organization of county boards and prescribing some of their powers and duties,” approved June 17, 1852—have had the same under consideration and have directed me to report the same back to the House with the accompanying amendment, and when so amended recommend its passage:

Strike out the first section and insert the following:

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section one of said act which reads as follows: “Such Commissioners shall meet at the Court House in each county on the first Mondays in March, June, September and December in each

year, and in counties whose population is under ten thousand such Commissioners may sit six days at such term, but if the population exceeds ten thousand they may sit nine days, if the business requires it—the enumeration to be fixed by the last census of the United States, or by the State; but if the Circuit Court shall meet on any of the before mentioned days the Commissioners may meet at the Auditor's office."

The report was concurred in, the amendment adopted, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridge, Crain, Dashiell, Davis, Epperson, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Hopkins, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, McClurg, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—68.

Those who voted in the negative were,

Messrs. Black, Horton and Howard.

So the bill passed.

Mr. Frasier moved to amend the title of the bill as follows :

A bill to amend an act entitled "An act to amend the sixth section of an act providing for the organization of county boards, and prescribing some of their powers and duties, approved June 17, 1852." which latter act was approved February 16, 1859.

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of the bill.

Which was concurred in.

Mr. Gresham moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit :

House bill No. 64. A bill authorizing aliens to hold lands in the State of Indiana, by purchase or otherwise.

With certain engrossed amendments of the Senate thereto.

In which engrossed amendments the concurrence of the House of Representatives is respectfully requested.

The engrossed amendments of the Senate to House bill No. 64 were concurred in.

Mr. Ford, from a select committee, made the following report :

MR. SPEAKER :

The select committee, to whom was referred Senate bill No. 93, a bill to amend section seven of an act entitled "An act to fix the times of holding Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and make all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, so as to change the time of holding said courts in Jackson and Bartholomew counties, and declaring when this act shall take effect; have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Cooper, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Hopkins, Horton, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, McClurg, Moorman, Moss, Mutz, Newman, Packard, Parrett, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 73. A bill to amend an act entitled "An act to authorize county agricultural societies to purchase and hold real estate," approved February 7, 1855; and to legalize purchases heretofore made.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Coopridge, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Hopkins, Horton, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, McClurg, Moody, Moorman, Moss, Mutz, Newman, Orr, Packard, Parrett, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—68.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Veatch from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee to whom was referred a resolution of the House directing said Committee to report at what time the present session will expire by constitutional limitation, have had the same under consideration, and direct me to report that in the opinion of said Committee, this House may lawfully continue its session till Monday, the 11th day of March, 1861, at twelve o'clock at night, and that the House may pass bills, and present them to the Governor for approval, till Saturday, the 9th day of March, 1861, at twelve o'clock at night.

Senate bill No. 138. A bill to amend the second section of an H. J.—61.

act entitled "An act to amend the two hundred and seventh and two hundred and eighth sections of an act entitled 'an act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,' " approved June 18, 1852, so as to authorize a change of venue in certain cases, approved March 5, 1859.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brett, Brucker, Bundy, Burgess, Cason, Collins of Whitley, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Fisher, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Haworth, Heffren, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, McClurg, Moody, Moorman, Moss, Mutz, Packard, Parrett, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Woodhull, Woods and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Bundy, Campbell, Ferguson, Frasier, Hayes, Horton, Lods, Lane, Newman, Orr and Ragan—11.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Tyner their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 185. A bill to amend the 8th section of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several Counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

In which the concurrence of the House is respectfully requested.

The bill enclosed in the foregoing message was read a first time and passed to a second reading.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills thereof :

Senate bill No. 187. A bill to repeal an act entitled "An act providing for extending the terms of the Circuit Courts by adjournment, when the pending business shall be unfinished," approved February 12, 1855; to authorize the Court or Judge to call and hold special terms, and to provide for the compensation of the Judges for holding such adjourned and special terms, and of Prosecuting Attorneys, while in attendance upon the same, approved Dec. 24, 1858; and to legalize all judgments, orders and decrees of the special terms of said Court, held under the provisions of the act hereby repealed.

Senate bill No. 121. A bill supplementary to "An act to authorize and regulate the business of general banking," approved March 3, 1855, and to authorize the Auditor and Treasurer of State to surrender the securities and moneys deposited, and to declare and pay out a further dividend in certain cases.

Senate bill No. 277. A bill to amend sections 54 and 66 of an act entitled "An act dividing the State into Counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and defining the boundaries of the Counties of Morgan and Putnam.

Senate bill No. 153. A bill for the relief of Catharine P. Whittlesley, and to vest in her certain real estate recently held by John Lindsley, late of Vanderburgh County, Indiana, deceased, which has escheated to the State.

Senate bill No. 264. A bill to amend the 9th section of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several Counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith," approved March 5, 1859, and prescribing the times of holding, and the duration of the terms of the Common Pleas Courts of the Counties of Clay, Owen, Green and Putnam.

Senate bills No. 287, No. 121, No. 277, No. 153 and No. 264,
Were severally read a first time and passed to a second reading.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that they have passed

Senate bill No. 169. A bill to amend the fourth and sixth sections of the act entitled "An act for the incorporation of manufacturing and mining companies, for mechanical, chemical and building purposes," approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders, in the same manner as is provided in said section for increasing capital stock.

In which the concurrence of the House is respectfully requested.

The bill enclosed in the foregoing message was read a first time and passed to a second reading.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills thereof, to-wit :

Senate bill No. 105. A bill to provide for the location, vacation or change of public highways, for the assessment of damages sustained by such location, vacation or change, and to repeal sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26, of "an act to provide for the opening, vacating and change of highways," approved June 17, 1852.

Senate bill No. 251. A bill to ascertain the amount of the fees and salaries of the Clerk of the Supreme Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court, and of the various counties of this State, of county auditors and treasurers, and recorders, and to provide punishment for a violation of its provisions.

Senate bill No. 71. A bill to provide for the incorporation of street railroad companies.

Senate bill No. 164. A bill to authorize administrators and executors to administer oaths to appraisers and clerks who may be employed in connection with decedents' estates."

Senate bill No. 199. A bill to amend section one of an act entitled "an act supplemental to an act to exempt property from sale in certain cases, approved February 17, 1852," approved March 5, 1859, so as to include all kinds of personal property.

Senate bill No. 142. A bill to authorize the Trustees of the State University to appropriate a certain amount of the University funds for the enlargement of its cabinet and library, and directing the State Librarian to transfer certain documents and books herein named to the library of the State University: also, making the State Geologist a member of the faculty of the University, and requiring him to deposit specimens in mineralogy and geology in the cabinet of the same.

Senate bill No. 170. A bill to amend the first, second, third and fourth sections of an act entitled "an act for the protection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers, who loan a greater amount of said funds than is authorized by law," approved March 2, 1855.

Senate bill No. 150. A bill to amend sections four and seven of an act entitled "an act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855.

Senate bill No. 109. A bill to amend the first section of "an act defining who are persons of unsound mind, and authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary," approved May 29, 1852.

Senate bill No. 112. A bill to regulate the remission of fines and forfeitures, and to repeal all laws conflicting with the provisions of this act.

Senate bill No. 250. A bill authorizing liens in favor of landlords, and attorneys and counsellors at law in certain cases.

Senate bill No. 260. A bill releasing to William Rockhill all the right, title, interest and claim of the State of Indiana to the tract of land in the county of Allen in the State of Indiana, as described in the conveyance executed by said Rockhill to said State, and to declare said conveyance null and void.

Senate bill No. 87. A bill for the relief of sundry citizens of Jackson and Washington counties.

Senate bill No. 54. A bill regulating docket fees of district attor-

neys in the Courts of Common Pleas, and before justices of the peace, and regulating prosecuting and district attorneys' fees for prosecutions on forfeited recognizances.

Senate bill No. 184. An act conferring jurisdiction upon justices of the peace in certain cases, where executors, administrators or guardians are plaintiffs.

Senate bill No. 172. A bill providing for the binding of printed matter, ordered by the State, to be done in book form.

Senate bill No. 120. A bill supplemental to an act entitled "an act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Senate bill No. 69. A bill to regulate the business transacted in this State by any Fire, Marine, Life, Health or Live Stock Insurance Companies, not incorporated under the laws of this State, and imposing penalties for a non-compliance with the provisions of this act.

Senate bill No. 218. A bill to amend the first section of an act entitled "an act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' Lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned," approved June 17th, 1852.

Senate bill No. 237. A bill to authorize the process of garnishment against Clerks of the Circuit and Common Pleas Courts, Sheriffs, Justices of the Peace, Constables, and all other officers who collect money by virtue of their office, and executors, administrators, guardians and trustees, and providing for the indemnification of such officers and persons.

Senate bill No. 248. A bill to amend the 3d and 4th sections of an act fixing the time and mode of electing State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act, passed March 4, 1859; requiring State Printer to furnish all stationery necessary for the State printing, allowing him the current wholesale price therefor, at the time of furnishing the same, and requiring him to furnish to the Secretary of State a specific statement, verified by affidavit, of the quality, quantity and price of all stationery so furnished, and all work done by him for the State.

Senate bill No. 249. A bill to amend the first section of an act to amend the first section of an act concerning licenses to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain, approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers, approved March 7, 1857.

Senate bill No. 45. A bill to amend section third of an act entitled "an act to provide for the election of a Reporter, and a speedy publication of the Decisions of the Supreme Court, and for the compensation of such Reporter."

Senate bill No. 70. A bill for the relief of Lot Edwards.

Senate bill No. 209. A bill to amend the 12th section of an act regulating descents and the apportionment of estates, approved May 14th, 1852.

Senate bill No. 266. A bill fixing the time of holding the Circuit Court in Owen county, and repealing all laws in conflict with the provisions of this act.

Senate bill No. 194. A bill empowering the several Boards of County Commissioners of the several counties of this State to employ any competent person or persons to investigate the books, vouchers, accounts and settlements of the County Auditors and County Treasurers of the State.

Senate bill No. 146. A bill in relation to petit jurors.

Senate bill No. 262. A bill to amend the 11th and 24th sections of an act entitled "an act regulating the election and duties of State Librarian," approved May 27, 1852, and to punish the violation of its provisions.

Senate bill No. 144. A bill to amend the sixth section of an act entitled "an act for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 17, 1852, so as to exempt certain property therein named from taxation.

Senate bill No. 108. A bill to allow County Commissioners to organize turnpike companies, where a majority of persons represent-

ing the real estate within prescribed limits, petition for the same, and levy tax for its construction, and provide for the same to be free.

Senate bill No. 85. A bill to legalize the appraisement and assessment of property in cities of this State, and the making out and delivery of tax duplicates in the cities of this State in certain cases.

Senate bill No. 206. A bill to amend section 99 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State: to abolish distinct forms of action at law, and to provide for the administration of justice in a more uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Senate bill No. 55. A bill to provide stationery, newspapers and postage for members of the General Assembly of the State of Indiana, and to furnish stationery for the secretaries and clerks of the same.

Senate bill No. 193. A bill to amend section fifteen of an act entitled "an act to amend section fifteen and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled 'an act to provide for the opening, vacating and change of highways,'" approved June 17, 1852, so as to give boards of county commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees under said sections so repealed, to the boards of county commissioners, and providing for the disposition thereof, approved March 5, 1859, and to legalize all roads located, vacated or changed under either of said acts.

Senate bill No. 111. A bill to amend section 23 of an act entitled "an act for the relief of the Indiana University, and to increase and extend its benefits, by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sale thereof, and prescribing the duties of the officers therein mentioned in relation thereto," approved March 2, 1859.

Senate bill No. 245. A bill for the relief of Joseph Moore.

Senate bill No. 119. A bill to amend section six of an act entitled "an act touching the laying out and vacating towns, streets, alleys, public squares or grounds, or any part thereof, the making out and recording of plats of such towns, and providing for the change of the names of such towns," approved May 20, 1852.

Senate bill No. 210. A bill to aid in the collection and preservation of historical materials relating to the early settlement of Indiana.

Senate Bill No. 233. A bill to amend section 143 of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and Treasurer and Auditor of State," approved June 17, 1852, so as to fix the rate of compensation for the publication of the delinquent lists in the several counties of this State.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 105, 201, 71, 164, 199, 142, 179, 150, 109, 112, 250, 260, 87, 54, 184, 172, 120, 69, 218, 237, 248, 249, 45, 70, 209, 266, 194, 146, 262, 144, 108, 85, 206, 55, 193, 111, 245, 119, 210 and 233, enclosed in the foregoing message were severally read a first time and passed to a second reading.

On motion by Mr. Fisher,
The House adjourned.

SATURDAY MORNING, 9 o'clock, }
March 9, 1861. }

The House met.

On motion by Mr. Gifford,
The reading of the Journal was dispensed with.

Mr. Mutz moved to take up Senate bill No. 185.
Which was agreed to.

Senate bill No. 185. A bill to amend the seventh section of an act entitled "an act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect,

and repealing all laws inconsistent therewith," approved March 5, 1859.

Was read a third time.

Mr. Mutz, by unanimous consent, offered the following amendment :

Strike out "four weeks," and insert "three weeks," for the terms of court in Shelby county.

Which was adopted.

Mr. Fisher moved the following further amendment :

Strike out all in the emergency clause that relates to publication in the Indiana State Journal and Indianapolis Sentinel.

Which was adopted.

Mr. Mutz moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brucker, Bryan, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridger, Crain, Dobbins, Epperson, Ferguson, Fisher, Ford, For-dyce, Frasier, Gifford, Goar, Grover, Hall, Haworth, Hayes, Hefren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Lane, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Turner, Underwood, Warrum, Wilson, Woodhull and Mr. Speaker—67.

No one voting in the negative.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

On motion by Mr. Prosser,
The bill was informally passed.

Mr. Stotsenburg, from the Committee on the Judiciary, obtained leave and made the following report :

MR. SPEAKER :

The Committee on the Judiciary, to whom was referred House bill No. 295, introduced by Mr. Stotsenburg, would respectfully report the same back to the House with the following amendment, viz :

Strike out the words "and also the capital stock of the several branches of the Bank of the State of Indiana" after the word "city" in the eleventh line of the third section, and when so amended they recommend its passage.

The report was concurred in and amendment adopted.

House bill No. 295. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities and to prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Boydston, Branham, Brucker, Bundy, Cameron, Collins of Whitley, Collins of Adams, Combs, Coopridger, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Harvey, Haworth, Henrieks, Hopkins, Howard, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Polk, Prosser, Prow, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Anderson, Bryan, Campbell, Hall, Hayes, Heffren, McLean and Moss—8.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 317. A bill regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana and the stock banks of the State of Indiana.

Was read a second time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heflren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wilson Woodhull, Woods and Mr. Speaker—85.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to Senate bill No. 31, to-wit:

Senate bill No. 31. A bill to authorize and regulate the sale of and to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise corporate and other powers, and to legalize sales of railroads heretofore made.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit:

House bill No. 173. A bill supplemental to an act entitled "an

act supplemental to an act entitled an act to provide for the re-location of county seats and for the erection of public buildings in case of such re-location, approved March 2, 1855, so as to provide for the re-location of county seats and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House; and when a deed has been executed, to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property," approved December 28, 1858, so as to provide for the re-location of county seats in counties where no Court House has been erected, which has been formed out of the territory of another county, and for the transfer of the county offices, books, &c.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, to whom House bills Nos. 81, 82, 100 and 346 was referred, have carefully compared the enrolled bills with the engrossed bills and find that they are properly enrolled.

Mr. Bundy, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 32, introduced by Mr. Bundy, entitled "A bill to provide for the rights of married woman in cases of the sale of lands upon execution or by virtue of any judicial proceeding, and in all other cases where the wife does not consent to the sale," have had the same under consideration, and a majority of said Committee instruct me to report the same back to this House and recommend its passage.

The bill authorizes a married woman, whose husband's lands have been sold on any judicial proceeding, or in any other manner against her consent, to hold the interest thereon which would descend to her in case of his death, as a tenant in common with the purchaser, and to apply to the proper Court to have her interest set off to her, and enjoy it as her separate property.

As the law now is, the husband's property is often sold on execution at a great sacrifice, and if the wife do not survive him the purchaser is enabled to make a handsome speculation by getting the wife's interest for nothing; for it is believed that purchasers at such sales rarely ever pay anything for the wife's contingent interest in her husband's lands. If, however, the law were changed as this bill proposes, persons who give credit would know exactly what they

would levy in case they had to sue for, and collect their debts by sale of lands on execution. The innocent wife would know that the law, in a spirit of humanity, had provided that her husband's folly or misfortune, could not deprive her of an interest in his lands, in many cases sufficient for the comfortable maintenance of herself and little family, and that she was in some degree secured from the rapacity of his heartless creditors.

This is not a "Homestead Bill," but its provisions are in harmony with the spirit of our Constitution, which wisely declares that a "reasonable amount of property shall be exempted from seizure and sale for the payment of debt."

It is likewise in consonance with the laws of descent, which Indiana was the first State to inaugurate, whereby the wife, on the death of her husband, acquires a permanent inheritable estate in his landed property, instead of the perishable dower or life interest which formerly existed. The change in that respect it is believed, gave general satisfaction, and the few who adhered with tenacity to the old rules of descent because they were "old," and not because of their wisdom or beneficence, have gradually acquiesced, and it is believed that there are but very few who would restore the old law if they had the power. And so it would be with the change which this bill proposes. If it were once made, its practical operation would be such, your Committee believe, as to command the approbation of the people of the State.

A message from the Governor, by Mr. Holloway, Executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bill No. 133. An act in relation to witnesses, and to repeal section 238 of article 13 of the act entitled "An act to revise simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts in this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to repeal all laws inconsistent therewith, and providing when the act shall take effect and be in force. Also,

House bill No. 103. An act to provide for the erection and repair of any bridge across a stream forming a boundary line between two Counties, and to repeal section 7 of an act approved March 3, 1855, entitled "An act to provide for the erection and repair of bridges," and to repeal an act entitled "An act to provide for the erection and repair of bridges," approved May 12, 1852.

And has caused the same to be filed in the office of the Secretary of State.

Mr. Nebeker from the Committee on Public Expenditures, made the following report :

MR. SPEAKER :

The Committee on Public Expenditures, to whom was referred the report of John H. Rea, Esq., Commissioner appointed by the Committee "raised by the General Assembly on the 17th day of February, 1859, to take the necessary steps to examine and report on the accounts, vouchers and assets, connected with the office of Agent of State at New York," report that they have had the same under consideration, but from the pressure of other duties, have not been able to give it the attention its importance demands; they beg leave, therefore, to return the report and documents connected therewith, to the House, and respectfully recommend that the whole subject be referred to the Joint Commission of this Legislature, to be appointed for the purpose of investigating the financial affairs of the State after the close of the present session of the General Assembly.

Which was referred to the Committee to be appointed to investigate the financial affairs of the State.

Mr. Veatch, from the Committee on the Judiciary, obtained leave and made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred Mr. Lane's bill No. 195, it being a bill to amend section thirty-four of chapter eighty-three of the Revised Statutes of 1852, and entitled "An act for the incorporation of railroad companies," approved May 11, 1852, so as to permit railroads which have commenced the construction of any road, and have failed to complete the same within the time required by law, shall have twenty years after its incorporation to complete the same, have had the same under consideration, and have instructed me to report the same back with the following amendment, and after so amended, recommend its passage :

Amend by adding to section one the following :

Provided, Nothing contained in this act shall revive or renew any railroad charter, or extend the time of the completion of any railroad that has heretofore forfeited their charter by any act of nonfeasance, non-usure, or by any other act, or in any other way or manner whatever, nor shall anything in this act contained, operate to dismiss any actions at law now commenced by *quo warranto*, or otherwise to declare the charters and franchises of said roads forfeited, and to annul and wind up said incorporation in accordance to law.

Mr. Heffren moved to lay the report and bill on the table.
Which was agreed to.

The question being on concurring in the report of the Committee
and adopting the amendments,
It was not agreed to.

On motion by Mr. Frasier,
The bill was laid on the table.

On motion,
The following message from the Senate was taken up :

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to bring to the House for the signature of the Speaker and Clerk thereof,

House bill No. 86. A bill to amend sections eight and ten of "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in certain cases," approved June 9, 1852, with certain engrossed amendments thereto.

In which the concurrence of the House is respectfully requested.

Mr. McLean moved that the House refuse to concur in the engrossed amendments of the Senate to House bill No. 86.

Which was not agreed to.

Mr. Gresham moved to concur in all the engrossed amendments to said bill except the first amendment, giving justices of the peace exclusive jurisdiction.

Which was agreed to.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 289. A bill to provide for the investment of the Sinking Fund in Indiana five per cent. and two and a half per cent. State Stock.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Bundy, Cameron, Combs, Crain, Dashiell, Epperson, Erwin, Ferguson, Fisher,

Fordyce, Fraley, Goar, Gresham, Grover, Hall, Harvey, Henricks, Hopkins, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, McLean, Moody, Moorman, Nebeker, Newman, Orr, Ragan, Sloan, Smith of Miami, Thomas, Thompson, Turner, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—46.

Those who voted in the negative were,

Messrs. Atkinson, Black, Boydston, Brett, Burgess, Campbell, Collins of Whitley, Collins of Adams, Coopridger, Davis, Feagler, Ford, Frasier, Gifford, Haworth, Hayes, Heffren, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Kitchen, Knowlton, Lods, Lane, McClurg, Moss, Mutz, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Roberts, Sherman, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Underwood and Warrum—46.

So the bill failed for want of a constitutional majority.

Mr. Randall moved to take up House bill No. 330.

Mr. Heffren moved to take up Senate bills on second reading.

Messrs. Gresham and Frasier demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Branham, Brett, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Gifford, Grover, Hall, Harvey, Heffren, Henricks, Hopkins, Horton, Howard, Jenkinson, Kitchen, Knowlton, Lods, McClurg, Moss, Nebeker, Orr, Pitts, Prosser, Prow, Ragan, Robbins, Sherman, Stevenson, Trier, Thomas, Williams, Woods and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Boydston, Brucker, Bryan, Bundy, Burgess, Campbell, Collins of Whitley, Crain, Feagler, Fordyce, Frasier, Gresham, Haworth, Hayes, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lane, Lightner, McLean, Moody, Moorman, Mutz, Newman, Owens, Packard, Parrett, Randall, Sloan, Smith of Miami, Turner, Underwood, Veatch, Warrum, Wilson and Woodhull—42.

So the motion did not prevail.

Mr. Veatch asked and obtained leave to make the following report from the Committee on the Judiciary:

H. J.—62.

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 349, introduced by Mr. Jones of Vermillion, have had the same under consideration and direct me to report said bill back to the House, and recommend its passage with the following amendments:

Amend section one by striking out all that relates to working said convicts outside of the walls of the Prison, and insert as follows: "Chopping wood and timber for the use of the Prison, making brick or other labor on the lands owned by the State adjoining the Prison, and in the cultivation of any fields or grounds that may be leased by the Directors for the purpose of raising vegetable products for the use of the Prison."

Amend section three so as to limit the price of the land to a sum of not exceeding \$150 per acre.

Amend by striking out all of section five.

Add to section 6, "The said Directors shall make a special report of all their proceedings in relation to the alteration or compromise of any contract as provided for herein, to the Governor, immediately after their action thereon, and give a clear and minute statement of the facts connected therewith.

The report was concurred in, the amendments adopted, and the bill ordered to be engrossed.

House bill No. 185 was again taken up, and by unanimous consent,

Mr. Mutz moved to amend by striking out "four weeks for Shelby county," and inserting "three weeks."

Amend further by fixing commencement of terms in Brown county on the fourth Mondays in March, July and November. In Monroe county on the first Monday of April, August and December.

Which was adopted.

The question being, shall House bill No. 185 pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Heffren, Henricks, Hopkins, Horton, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Ver-

million, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lee, Lightner, McClurg, McLean, Moody, Moorman, Moss, Mutz, Nebeker, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Warrum, Wilson, Woodhull, Woods and Mr. Speaker—78.

Mr. Lane voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to the following engrossed bills of the Senate, to-wit :

Senate bill No. 177. A bill to amend the 5th section of an act entitled "an act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith." approved March 5th, 1859.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to bring to the House for the signatures of the Speaker and Clerk thereof, Senate bill No. 117.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, without amendment, to-wit :

House bill No. 15. A bill to amend section second of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in relation thereto," approved February 12th, 1855.

House bill No. 106. A bill to amend the 13th section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.

House bill No. 186. A bill to authorize the Board of Commissioners to purchase toll bridges, or any private interest therein.

House bill No. 317. A bill regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana, and the Stock Banks of the State of Indiana.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed the following enrolled bills, to-wit :

Senate bills Nos. 25, 98, 36, and 11.

To which the signatures of the Speaker and Clerk of this House are respectfully requested.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed House bill No. 325, to-wit :

House bill No. 325. A bill to raise revenue for State purposes, for the years 1861 and 1862.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate, to report Senate bill No. 20, for the signature of the Speaker and Clerk of this House.

Mr. Frasier moved to take up House bill No. 330.
Which was agreed to.

House bill No. 330. A bill to amend the second and fourth, and to repeal the third section of an act, entitled "an act fixing the time and mode of electing State Printer, defining his duties, fixing com-

pensation, and repealing all laws coming in conflict with this act," passed March —, 1852.

Was read a second time.

Mr. Heffren moved to amend the 1st section, by striking out "five," and inserting "twelve-and-a-half."

Which was agreed to.

Mr. Stotsenburg moved to amend, by inserting after the word "provided," "the same shall not exceed ten cents per pound."

And in the 3d section, 9th line,

Mr. Cameron moved to amend, by inserting "eleven cents," instead of "ten."

Mr. Heffren moved to lay the amendment of Mr. Cameron, on the table.

Which was agreed to.

The question being on the amendment offered by Mr. Stotsenburg, It was agreed to.

Mr. Bundy moved to suspend the rule, and read the bill a third time now.

The ayes and none being taken under the Constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Bryan, Bundy, Burgess, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopriders, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Horton, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, McLean, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Wilson, Woodhull and Woods—83.

Those who voted in the negative were,

Messrs. Cameron, Harvey, Moody, Sherman, and Mr. Speaker—5.

So the rule was suspended, and House bill No. 330 was read a third time.

Mr. Nebeker moved to recommit with the following instructions:

Strike out, in the second section, the words "thirty-five" where it relates to presswork and insert "forty," and strike out the word "ten" where it occurs relating to the price of paper and insert "twelve."

On motion by Mr. Stotsenburg,
The motion to recommit, with instructions, was laid on the table.

The question being, shall the bill pass?

Messrs. Cameron and Bundy asked to be excused from voting,
Which was agreed to.

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Brett, Bryan, Campbell, Collins of Whiteley, Collins of Adams, Combs, Coopridger, Crain, Davis, Dobbins, Epperson, Feagler, Ferguson, Ford, Frasier, Gifford, Goar, Gresham, Haworth, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Jenkins, Jones of Tippecanoe, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lee, Moorman, Moss, Mutz, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thompson, Underwood, Veatch, Warrum and Woods—59.

Those who voted in the negative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bundy, Burgess, Cameron, Dashiell, Erwin, Fisher, Fordyce, Fraley, Grover, Hall, Harvey, Hopkins, Hurd, Jones of Vermillion, Kendrick, Lightner, Moody, Nebeker, Newman, Sherman, Smith of Miami, Thomas, Turner, Williams, Wilson, Woodhull and Mr. Speaker—31.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bundy moved to suspend the order of business and take up House bill No. 155,
Which was agreed to.

House bill No. 155. A bill fixing the time of holding the Circuit Courts in the Thirteenth Judicial Circuit, regulating the length of the terms thereof, and repealing all laws inconsistent therewith,
Was read a third time, and,

The question being, shall the bill pass?

Messrs. Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Campbell, Collins of Whitley, Combs, Coopridger, Dashiel, Davis, Dobbins, Epperson, Feagler, Ferguson, Fisher, Ford, Fordyce, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Hefren, Henricks, Hopkins, Horton, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Randall, Robbins, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—71.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. McLean, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills, to whom was referred House bills Nos. 64, 77, 296 and 326, have carefully compared the engrossed with the enrolled acts, and find them properly enrolled.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the President and Secretary of the Senate have signed the following enrolled Senate bills, to which the signatures of the Speaker and Clerk of this House are requested: Senate bills Nos. 18, 79 and 52.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the President and Secretary of the Senate have signed the following enrolled Senate bill, to-wit: No. 77, to which the signatures of the Speaker and Clerk of this honorable body is respectfully requested.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

HON. CYRUS M. ALLEN,

Speaker of the House of Representatives:

SIR: The Committee on Enrollment, to whom was referred House bills Nos. 44, 106, 186 and 294, have compared the engrossed bills with the enrolled acts, and find that the enrollment of the same is correctly done.

March 9, 1861.

On motion by Mr. Heffren,
The House adjourned till 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Bryan,
House bill No. 242 was taken up.

House bill No. 242. A bill providing for the enclosing of the Tippecanoe Battle Ground, and making an appropriation for the same,

Was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Branham, Brucker, Bryan, Burgess, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Dobbins, Erwin, Feagler, Ferguson, Fisher, Fordyce, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henrieks, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kitchen, Lane, Lightner, Moody, Moss, Mutz, Nebeker, Owens, Packard, Parrett, Polk, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Trier, Thomas, Thompson, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Black, Bundy, Davis, Frasier, Lods, Moorman, Newman, Orr, Prow, Smith of Miami, Stevenson, Stotsenburg and Warrum—13.

So the bill passed.

Mr. Stotsenburg moved to amend the title as follows :

“And prescribing penalties for the violation of this act,”
Which was agreed to.

The title as amended was adopted.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed the enrolled act of the Senate No. 175, and the Speaker and Clerk of the House are requested to sign the same.

Senate bill No. 169. A bill to amend the 4th and 6th section of “an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes,” approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of their stockholders in the same manner as is provided in said section for increasing capital stock, and providing for the election of directors and certain officers, and providing the manner of casting votes in such election.

Was read a second time.

Mr. Heffren moved to suspend the rule, and read the bill a third time now.

The ayes and noes being taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Cameron, Cason, Collins of Whitley, Collins of Adams,

Combs, Crain, Dashiel, Dobbins, Erwin, Ferguson, Fisher, Fleming, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Heffren, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Randall, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Atkinson, Campbell, Kitchen, Ragan and Roberts—5.

So the rule was suspended, and Senate bill No. 169 was read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Branham, Brucker, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiel, Davis, Epperson, Erwin, Feagler, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—78.

Those who voted in the negative were,

Messrs. Campbell and Ferguson—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 87. A bill for the relief of sundry citizens of Jackson and Washington counties.

Was read a second time.

Mr. Heffren moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Collins of Adams, Combs, Coopridger, Davis, Dobbins, Feagler, Fisher, Gifford, Gresham, Harvey, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jenkinson, Knowlton, Lods, Moss, Owens, Packard, Polk, Prow, Sherman, Smith of Miami, Stotsenburg, Trier, Warrum, Wilson and Mr. Speaker—36.

Those who voted in the negative were,

Messrs. Branham, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiel, Epperson, Erwin, Ferguson, Fraley, Frasier, Goar, Hall, Haworth, Jones of Tippecanoe, Jones of Wayne, Jones of Vermillion, Kendrick, Lane, Lee, Lightner, McClurg, Moody, Nebeker, Newman, Orr, Parrett, Pitts, Ragan, Randall, Robbins, Roberts, Thomas, Thompson, Underwood, Woodhull and Woods—42.

So the rule was not suspended.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the President and Secretary of the Senate has signed the following enrolled bill, to-wit: "Enrolled act No. 49, Senate," and have directed me to report the same to this body, and respectfully request the signatures of the Speaker and Clerk thereof.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have compared and examined engrossed amendments to Senate bill No. 185 with the originals, and find them correctly engrossed.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrollment, have compared engrossed House bills Nos. 15, 317 and 325 with the enrolled acts of the same, and beg leave to report that the same have been properly enrolled.

Mr. Heffren moved to take up the following message from the Senate.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit :

House bill No. 348. A bill making specific appropriations for the year 1861, with sundry engrossed amendments thereto.

In which the concurrence of the House of Representatives is respectfully requested.

The engrossed amendments of the Senate to House bill No. 348, contained in the foregoing message, were concurred in, except sections 54—to bill—5, 6, 7, 13, 14, 15, 16, 17, 18, 19, 27, 44, 46, 53 and 59.

Mr. Bingham offered the following additional amendments to the bill.

SEC. —. Three thousand six hundred dollars is appropriated for the purpose of purchasing six hundred copies of Gaven and Hord's edition of the Statutes of the State, at three dollars per volume, to be purchased by the Secretary of State, and distributed by him as follows: five copies to each county, and to deposit the balance in the State library, for the use of the State.

Which was not agreed to.

Mr. Stotsenburg moved to add the following section :

SEC. —. That Nathaniel F. Cunningham, late State Treasurer, be allowed $\frac{1}{4}$ of one per cent. for receipts and disbursements of the swamp land fund.

Which was not agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 62. A bill to authorize the Bank of the State of Indiana to lay off and establish five additional bank districts, and to locate and establish branches therein.

House bill No. 341. A bill to amend section first of an act to amend the 103 section of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, approved March 5, 1859.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed enrolled act of the Senate No. 138, and the signatures of the Speaker and Clerk of the House are requested to the same.

SENATE BILLS ON SECOND READING.

Senate bill No. 260. A bill releasing all the right, title and claim of the State of Indiana in and to the quarter —, of sections No.—, in town No. 30, north of range No 12 east, situate in Allen county, to William Rockhill.

Was read a second time.

Mr. Jenkinson moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridge, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, For-dyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey,

Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Packard, Pitts, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—85.

Mr. Cason voting in the negative.

So the rule was suspended and Senate bill No. 260 read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Collins of Adams, Combs, Coopridier, Crain, Dashiel, Davis, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Pitts, Prosser, Prow, Ragan, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—82.

Mr. Cason voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

House bill No. 70. A bill for the relief of Lot Edwards.
Was read a second time.

Mr. Grover moved to suspend the rule, and read the bill a third time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker,

Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Crain, Dashiell, Dobbins, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Newman, Orr, Owens, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

No one voting in the negative.

So the rule was suspended and Senate bill No. 70 read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Coopridner, Crain, Dashiell, Dobbins, Epperson, Erwin, Ferguson, Fisher, Fordyce, Ford, Fraley, Frasier, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henrieks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moorman, Moss, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Prow, Ragan, Randall, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—72.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 187. A bill to repeal an act entitled "an act to amend the first section of an act entitled 'an act providing for extending the terms of Circuit Courts by adjournments when the pending business shall be unfinished,' approved February 12, 1855, to authorize the court or judges to call and hold special terms and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," approved December 24, 1858, and to legalize all judg-

ments, orders and decrees of the special terms of said court held under the provisions of the act hereby repealed.

Was read a third time.

Mr. Stotsenburg, by unanimous consent, moved to amend the bill as follows:

Approved December 24, 1858. After the word "game" in last line but one of second section.

Which was agreed to.

Mr. Bundy moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the constitution,

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Adams, Combs, Coopridier, Crain, Dobbins, Epperson, Ferguson, Fisher, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moss, Mutz, Nebeker, Newman, Orr, Packard, Pitts, Polk, Prow, Randall, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wilson, Woodhull, Woods and Mr. Speaker—67.

No one voting in the negative.

So the rule was suspended and the bill read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Coopridier, Crain, Davis, Dobbins, Epperson, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Newman, Orr, Packard, Polk, Prow, Randall, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—69.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Branham obtained leave to offer the following resolution:

Resolved, That the Senate be requested to return House bill No. 349.

Which was adopted.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the President and Secretary have signed Senate bills Nos. 177, 171 and 57, and to present the same to the Speaker and Clerk of the House for their signatures.

Senate bill No. 153. A bill for the relief of Catherine P. Whitley; to vest in her certain real estate recently held by John Lindsley, late of Vanderburgh county, Indiana, deceased, which was escheated to the State.

Was read a second time.

Mr. Dobbins moved to suspend the rules and read the bill a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Dobbins, Epperson, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Heflren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss,
H. J.—63.

Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—84.

No one voting in the negative.

So the rules were suspended and the bill read a third time. and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkison, Bingham, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridge, Crain, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Packard, Parrett, Pitts, Prosser, Prow, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woods and Mr. Speaker—81.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 121. A bill supplemental to an act to authorize and regulate general banking business, approved March 3, 1855, and to authorize the Auditor and Treasurer to surrender the securities and moneys deposited, and to declare and pay out a further dividend in certain cases.

Was read a second time.

Mr. Haworth moved that the rule be suspended and the bill read a third time.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Burgess, Campbell, Cason, Collins of Adams, Combs,

Cooprider, Crain, Dashiell, Davis, Dobbins, Epperson, Erwin, Feagler, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, McClurg, Moody, Moorman, Moss, Mutz, Newman, Orr, Owens, Packard, Parrett, Pitts, Prow, Randall, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Collins of Whitley, Ferguson, Lane, Lee, Lightner, Nebeker, Prosser, Stevenson and Woods—9.

So the rule was suspended, and Senate bill No. 121 read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Cason, Cooprider, Crain, Dashiell, Fisher, Fordyce, Gifford, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lods, Lane, Moorman, Moss, Mutz, Newman, Orr, Parrett, Pitts, Sherman, Sloan, Smith of Miami, Thomas, Thompson, Turner, Veatch, Warrum, Williams, Wilson, Woodhull and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Campbell, Collins of Whitley, Collins of Adams, Combs, Davis, Epperson, Erwin, Feagler, Ferguson, Fraley, Frasier, Goar, Hopkins, Howard, Hudson, Jones of Wayne, Knowlton, Lee, Lightner, McClurg, Moody, Mutz, Nebeker, Owens, Packard, Polk, Prosser, Ragan, Roberts, Stevenson, Stotsenburg, Trier, Underwood and Woods—34.

So the bill passed.

Ordered. That the Clerk inform the Senate thereof.

Mr. Branham moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate insists upon its engrossed amendments to

House Bill No. 348. A bill making specific appropriations for the year 1861 ; and that the Senate asks a conference upon the disagreement of the House to said engrossed amendments.

I am further instructed to announced that Senators Wagner, De-Hart and Anthony, have been appointed to conduct said conference on the part of the Senate.

The Speaker appointed Messrs. Branham, Burgess and Heffren said Committee on the part of the House.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to return to the House, in accordance with its request, House bill No. 349.

Senate bill No. 277. A bill to amend sections 54 and 66 of an act entitled "An act dividing the State into Counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and defining the boundaries of the Counties of Morgan and Putnam.

Was read a second time.

Mr. Ferguson moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker, Bryan, Bundy, Campbell, Collins of Adams, Combs, Coopridger, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Gifford, Goar, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Horton, Howard, Hudson, Hurd, Jenkinson, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Moody, Mutz, Nebeker, Orr, Owens, Packard, Pitts, Polk, Prow, Ragan, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Thompson, Turner, Williams, Wilson, Woodhull, Woods and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Boydston, Burgess, Cason, Collins of Whitley, Crain, Fordyce, Fraley, Frasier, Hall, Kendrick, McClurg, Moss, Parrett, Prosser, Underwood and Warrum—16.

So the rules were suspended and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branhan, Brett, Bryan, Cameron, Campbell, Collins of Adams, Combs, Coopriders, Davis, Feagler, Ferguson, Fisher, Ford, Gifford, Grover, Hayes, Heffren, Henricks, Howard, Jenkinson, Kitchen, Knowlton, Lods, Lane, Moss, Mutz, Nebeker, Orr, Owens, Packard, Pitts, Polk, Ragan, Roberts, Sloan, Smith of Miami, Stevenson, Trier, Thomas, Veatch, Warrum, Wilson, Woodhull and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Boydston, Brucker, Burgess, Cason, Collins of Whitley, Dashiell, Epperson, Erwin, Fordyce, Fraley, Goar, Hall, Harvey, Haworth, Hurd, Jones of Vermillion, Jones of Wayne, Kendrick, Lee, Lightner, McClurg, Moorman, Parrett, Prosser, Prow, Sherman, Sloan, Stotsenburg, Underwood, Williams and Woods—31.

So the bill failed for want of a Constitutional majority.

Mr. Veatch obtained leave and introduced the following resolution :

Resolved, That the Governor be requested to return to this House bill No. 346, originating in the House, for the purpose of correcting a defect in the title.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed enrolled bills of the Senate, No. 136, No. 19 and No. 73, and request the signatures of the Speaker and Clerk of the House to the same.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed enrolled act of the Senate No. 70, and to request the signatures of the Speaker and Clerk of the House to the same.

Message from the Governor, by Mr. Holloway, Executive Messenger:

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed House bill No. 100: "an act authorizing township trustees to assign certificates of purchase of saline lands which were purchased with district school funds by the inhabitants of school districts in congressional townships," and has caused the same to be filed in the office of the Secretary of State.

House bill No. 325. An act to raise a revenue for State purposes for the years 1861 and 1862.

House bill No. 81. A bill to quiet the title of a piece of ground in Vanderburg county, known as out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on part of north-west quarter of section twenty-nine of township six, south of 10 range 10 west.

Also—

An act to revise an act entitled "an act to legalize the doings and proceedings of the Alton, Mt. Carmel and New Albany Railroad Company, and for other purposes," approved Feb. 4, 1851, extending the time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.

Also—

House bill No. 77. An act to amend the sixth section of an act entitled an act to incorporate the St. Joseph Iron Company, and to repeal the seventh, eighth, ninth, tenth, eleventh and twelfth sections thereof," approved January 22, 1835.

Also—

House bill No. 64. A bill authorizing aliens to hold lands in the

State of Indiana, by devise or descent, and sell and convey and alienate the same.

Also—

House bill No. 296. An act to amend section fifteen of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several Counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Also—

House bill No. 317. An act regulating the assessment and collection of taxes on the capital stock of the Bank of the State of Indiana, and the Stock Banks of the State of Indiana.

House bill No. 15. An act to amend section second of an act entitled "an act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved Feb. 12, 1855.

Also—

House bill No. 186. An act to authorize the Board of Commissioners to purchase toll bridges, or any private interest therein.

Also—

An act to amend the first section of an act entitled an act to provide for the management and disposal of the estates of persons who have absented themselves from their usual places of residence, and gone to parts unknown, approved March 5, 1859.

Also—

House bill No 294. An act to provide for the prosecution of the necessary judicial proceedings to procure the removal of the feeder dam erected across the Calumet river in the State of Illinois, and for the payment of the expenses of such proceedings.

Also—

House bill No. 106. An act to amend the thirteenth section of an

act defining misdemeanors, and prescribing punishment therefor, approved June 14, 1852.

HOUSE BILLS ON THIRD READING.

House bill No. 349. A bill supplemental to an act entitled an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857, providing that the directors of said prison may work the convicts outside the walls of said prison, under certain instructions, and providing punishment for any interference with the officers or convicts of said prison, while so employed, and providing for the purchase of ground for a grave yard, for the enlargement of the female department of the State Prison, and authorizing said directors to adjust and settle all matters in controversy with the contractors in said prison, to make new contracts with said contractors, and repealing sections eleven of an act entitled "an act to provide for the government and discipline of the State Prison, and to repeal an act entitled an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857,

Was taken up, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brueker, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Collins of Adams, Combs, Coeprider, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lee, Lightner, Moody, Moorman, Moss, Mutz, Newman, Orr, Owens, Parrett, Pitts, Prosser, Ragan, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Campbell, Harvey, Heffren, Howard Knowlton, Lods, McClurg, McLean, Packard, Prow and Sherman—9.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Crain,
The House adjourned.

7 $\frac{1}{2}$ O'CLOCK, P. M.

The House met.

Mr. Veatch moved to reconsider the vote by which a resolution passed recalling House bill No. 246 from the Governor,
Which was agreed to.

The resolution was then, by unanimous consent, withdrawn.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to report to this most honorable body, for the signature of the Speaker and Clerk thereof, enrolled act No. 121, which thing is most respectfully requested.

Mr. Lane moved to take up Senate bill No. 277, which failed to pass for want of a Constitutional majority,
Which was agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Cameron, Campbell, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Feagler, Ferguson, Fisher, Ford, Fordyce, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Henricks, Hopkins, Howard, Jenkinson, Jones of Tippecanoe, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Veatch, Warrum, Williams, Wilson, Woodhull and Mr. Speaker—66.

Those who voted in the negative were,

Messrs. Underwood and Woods voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the President and Secretary of the Senate have signed enrolled bill No. 153, and to request the signatures of the Speaker and Clerk of this House to the same.

By unanimous consent,

On motion by Mr. Gresham,

Resolved, That no person be allowed to speak more than five minutes at one time during the remainder of the session.

The Committee on Enrolled Bills made the following report :

MR. SPEAKER :

The Committee on Enrollment, to whom was referred House bills Nos. 10, 176, 228, 324 and 341, have compared the enrolled acts with the engrossed bills, and find that the same are properly enrolled.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate recedes from the following engrossed amendment to House bill No. 86 :

Amend section second, line sixteen, by inserting the words "exclusive original" before the word "jurisdiction."

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate has concurred in the engrossed amendments of the House to

Senate bill No. 187. A bill to repeal an act entitled "an act to provide for extending the terms of the Circuit Courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the court and judge to call and hold special terms, and to provide for the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," approved December 28, 1858, and to legalize all judgments, &c.

Senate bill No. 169. A bill to amend the fourth and sixth sections of the act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders the same manner as is provided in such section for increasing capital stock.

Senate bill No. 185. An act to amend the eighth section of an act entitled "an act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when the same shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House Senate bill No. 260, for the purpose of obtaining the signatures of the Speaker of the House and the Clerk thereof.

Mr. Branham moved to take up the following message from the Senate.

Which was agreed to.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, to-wit:

Senate bill No. 279. A bill accepting the surrender of a contract by Wm. H. Talbott and Francis Costigan, for the construction of the Northern State Prison, and the rights and property therein mentioned, and to appropriate the sum of \$13,574 27, to pay said Talbott and Costigan the amount due them according to estimate for work under contract.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 279, contained in the foregoing message, was read a first time.

Mr. Branham moved that the rule be suspended, and the bill read a second and third time now.

The ayes and noes were taken, under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brueker, Burgess, Cameron, Cason, Collins of Whitley, Coopridner, Dashiel, Epperson, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Gear, Gresham, Grover, Hall, Harvey, Hayes, Heffren, Henrieks, Hopkins, Howard, Hudson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Owens, Parrett, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Slean, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Bundy, Campbell, Combs, Crain, Feagler, Haworth, Jenkinson and Trier—8.

So the rule was suspended, and the bill read a second time by its title.

Mr. Branham moved to read the bill a third time.

Senate bill No. 279, was read a third time, and

The question being, shall the bill pass?

Mr. Cason moved the previous question.
Which was seconded.

The question being, shall the main question be now put?
It was ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Burgess, Cameron, Combs, Dashiell, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Grover, Hall, Harvey, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moss, Mutz, Nebeker, Parrett, Pitts, Prosser, Randall, Roberts, Robbins, Sherman, Sloan, Stevenson, Thomas, Thompson, Turner, Veatch, Warrum, Wilson, Woodhull, Woods and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Boydston, Brueker, Bundy, Campbell, Cason, Collins of Whitley, Coopridge, Crain, Feagler, Frasier, Goar, Gresham, Haworth, Jenkinson, Jones of Tippecanoe, Moorman, Newman, Orr, Polk, Ragan, Smith of Miami, Stotsenburg, Trier and Underwood—24.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed, without amendment, engrossed bill of the House No. 349, to-wit:

An act supplemental to an act entitled an act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March 3, 1855, and all other laws, or parts of laws inconsistent herewith, approved February 5, 1857; providing that the Directors of said Prison may work the convicts outside of the walls of said Prison, under certain instructions, and providing punishment for any interference with the officers or convicts of said Prison while so employed; and providing for the purchase of ground for a grave yard, for the enlargement of the Female Department of the Prison, and authorizing said Directors to adjust and settle all matters in controversy with the contractors in said Prison; to make new contracts

with said contractors, and repealing section eleven of an act entitled an act to provide for the government and discipline of the State Prison, and to repeal an act entitled an act to provide for the government and discipline of the State Prison, approved March 3d, 1855, and all other laws, or parts of laws inconsistent herewith, approved February 5, 1857.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, without amendment, to-wit :

House bill No. 8. A bill providing for the allowance of compensation to Clerks of the Circuit and Common Pleas Courts, and sheriffs for extra services, and to repeal all laws inconsistent therewith.

House bill No. 295. A bill to amend an act entitled "an act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.

Mr. Bundy moved to take up the following message from the Senate :

Message from the Senate by Mr. Tyner their Secretary :

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution thereof, to-wit :

No. 17. A joint resolution rescinding the contract entered into on the 5th day of June, 1860, by and between the Board of Control, to superintend the construction of a prison north of the National Road, in the State of Indiana, and William H. Talbott and Francis Costigan, partners, under the style of W. H. Talbott & Co., for furnishing materials and doing certain work toward the construction of said prison.

In which the concurrence of the House is respectfully requested.

Which was read, and,

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Crain, Dashiell, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Gifford, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lane, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Orr, Parrett, Ragan, Randall, Robbins, Sherman, Sloan, Smith of Miami, Stevenson, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Brett, Davis, Ford, Goar, Hayes, Heffren, Howard, Lee, Moss, Mutz, Polk, Prosser, Prow, Smith of Bartholomew, Stotsenburg and Trier—16.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the report of the Committee of Conference between the two Houses on

House bill 348. A bill making specific appropriations for the year 1851.

Mr. Heffren, from the Committee on Free Conference on House bill No. 348, by unanimous consent, made the following report :

MR. SPEAKER :

The Committee on Conference on the part of the two Houses on the disagreement of the House to the Senate engrossed amendments to House bill No. 348, a bill making specific appropriations for the year 1861, have had the same under consideration, and agreed upon

the following report. They recommend action upon said disagreement as follows: The House to recede from its disagreement to Senate's amendment to section 54; the House to recede from its disagreement to sections 5, 6 and 7, allowing four dollars per day to the Senate clerks, and recommend the allowance of four dollars per day to each of the House clerks named in the bill as passed by the House, except clerks of Committees.

The Senate to recede from its amendments designated as sections 13, 14, 15, 16 and 17, allowing four dollars a day to Doorkeepers and Assistants in the Senate, and inserting in lieu thereof, three dollars per day; also, the Senate to recede from its amendments designated as section 18, strike out three dollars and insert two dollars and fifty cents in lieu thereof, and amend bill by allowing Pages of House the same per diem; the Senate to recede from amendment designated as section 19, by striking out the whole of said section; also, recede from amendment section 27, by allowing two dollars per day in lieu of three; recede from amendment designated as section 44, by striking out "one hundred and twenty dollars," and inserting "ninety-one dollars and fifty cents," and recommend an amendment to section 42 of bill by striking out "seventy cents," and inserting "one dollar and fifty cents," and strike out of said section all after the word "office."

The House to recede from its disagreement to Senate amendment designated as section 46.

The Senate to recede from its amendment designated as section 53.

The House to recede from its disagreement to Senate amendment section 59, and recommend the insertion after the word "Secretary," in the second line, the words "and the Principal Clerk of the House."

G. D. WAGNER,

Chairman Senate Committee.

HORACE HEFFREN,

Chairman House Committee.

On motion by Mr. Branham,
The report was concurred in and the amendments adopted.

Ordered, That the Clerk inform the Senate thereof.

Mr. Branham, from the Committee on Free Conference on House bill No. 336, made the following report:

MR. SPEAKER:

The Committee on Free Conference on the disagreement of the two Houses on House bill No. 336, a bill making general appropriations for the year 1862, beg leave to make the following report:

That the Senate recede from their amendments which appropriated \$15,000 each year for the support of the Prison North, and insert the

sum of \$25,000 for the year 1861, and a like sum for 1862, \$10,000 of which for each year be applied to purchase materials for continuing the work, or so much thereof as may be necessary to keep the prisoners at work on said Prison.

G. D. WAGNER, *Chairman Senate Committee.*

D. C. BRANHAM, *Chairman House Committee.*

The question on concurring in the report of the Committee, Messrs. Prosser and Jenkinson demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Boydston, Branham, Brucker, Burgess, Cameron, Collins of Whitley, Dashiell, Epperson, Erwin, Ferguson, Fisher, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Howard, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Lee, Lightner, Moody, Moorman, Nebeker, Orr, Parrett, Pitts, Polk, Randall, Sherman, Sloan, Stevenson, Thomas, Thompson, Turner, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Atkinson, Black, Brett, Bundy, Campbell, Cason, Combs, Coopridier, Davis, Ford, Fordyce, Hayes, Heffren, Jenkinson, Knowlton, Lods, Lane, McClurg, Moss, Mutz, Newman, Prosser, Prow, Ragan, Robbins, Smith of Bartholomew, Smith of Miami, Trier and Warum—27.

So the report was concurred in and the amendment adopted.

Ordered, That the Clerk inform the Senate thereof.

HOUSE BILLS ON SECOND READING.

House bill No. 244. A bill to amend section one of an act entitled "An act fixing the times of holding the Circuit Court in the Twelfth Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," approved March 2, 1859.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boynton, Branham, Bruckner, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridier, Crain, Dashiell, Davis, Epperson, Feagler, Ferguson, Fisher, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Harvey, Heffren, Henricks, Hopkins, Howard, Hudson, H. J.—64.

Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Newman, Orr, Packard, Parrett, Pitts, Prow, Randall, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thompson, Turner, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—72.

So the bill passed.

Mr. Moody moved to amend the title, as follows :

Amend the title by inserting, "And changing the time of holding said courts in the county of Tippecanoe, and fixing the times of holding said courts in the county of Newton,"

Which was agreed to.

Ordered, That the Clerk inform the Senate of the passage of said bill.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House, to-wit :

House bill No. 188. A bill to provide for the organization of companies to build dams across any stream to afford slackwater navigation.

With the following engrossed amendment thereto :

Add the following section :

SECTION —. This act may be amended or repealed by the Legislature, at any time, in its discretion.

In which the concurrence of the House of Representatives is respectfully requested.

On motion,

The engrossed amendment of the Senate were concurred in.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-

tives that the Senate has passed engrossed bill of the House No. 135, with the following engrossed amendment thereto :

In which the concurrence of the House of Representatives is respectfully requested.

On motion,
The engrossed amendments of the Senate were concurred in.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, with amendments : House bill No. 188.

In which the concurrence of the House of Representatives is respectfully requested.

On motion,
The Senate amendment was concurred in.

Message from the Senate, by Mr. Tyner, their Clerk.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, with engrossed amendments thereof.

House bill No. 199. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real real estate," approved February 7, 1855, and to authorize such societies to issue capital stock.

In which the concurrence of the House of Representatives is respectfully requested.

The engrossed amendments to House bill No. 199 were concurred in.

House bill No. 242. A bill to amend section 124 of an act entitled an act to provide for the valuation and assessment of real and personal property, and for the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coombs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Wilson, Woodhull, Woods and Mr. Speaker—79.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 45. A bill to amend the third section of an act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved July 5, 1852; and also to amend section one of an act to amend the fifth and sixth sections of an act entitled "An act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter, approved July 28, 1855.

Was read a second time.

Mr. Bundy moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Boydston, Branham, Brucker, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Henricks, Hopkins, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Kitchen, Lods,

Lane, Lee, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prow, Ragan, Randall, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—73.

No one voting in the negative.

So the rule was suspended, and the bill read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Bingham, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Collins of Adams, Combs, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Warrum, Williams, Woodhull, Woods and Mr. Speaker—81.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House,

With certain engrossed amendments of the Senate thereto.

House bill No. 167. A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing signed by any person who promises to pay money, acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith.

In which the concurrence of the House of Representatives is respectfully requested.

The engrossed amendments of the Senate to House bill No. 164 were agreed to.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 164. A bill to authorize administrators and executors to administer oaths to appraisers and clerks who may be employed in connection with decedent's estates.

Was read a second time.

Mr. Gifford moved to suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Campbell, Cason, Collins of Whitley, Combs, Coopridner, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Ferguson, Fisher, Ford, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lee, Lightner, McClurg, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Ragan, Randall, Robbins, Roberts, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—77.

No one voting in the negative.

So the rules were suspended, and the bill read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Branham, Brett, Brucker, Bundy, Cameron, Campbell, Cason, Combs, Crain, Dashiell, Epperson, Erwin, Feagler, Ferguson, Fisher, Fraley, Frasier, Gifford, Grover, Hall, Harvey, Haworth, Hayes, Henricks, Hopkins, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Knowlton, Lods, Lee, Lightner, McClurg, Moorman, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Prosser, Prow, Ragan, Randall, Robbins, Sherman, Smith of

Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Turner, Underwood, Veatch, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—65.

Those who voted in the negative were,

Messrs. Black and Davis—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Senate bill No. 26 was again taken up, and,

On motion by Mr. Ragan,
The bill was laid on the table.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled bills, have compared House bills Nos. 8 and 349, with the engrossed copies thereof, and find the same correctly enrolled.

Message from the Senate, by Mr. Tyner, their Secretary :

MR. SPEAKER:

I am directed by the Senate to bring to the House Senate bill No. 185, and request the signatures of the Speaker of the House and Clerk thereof.

Senate bill No. 142. A bill to authorize the Trustees of the State University to appropriate a certain amount of the University funds for the enlargement of its cabinet and library, and directing the State Librarian to transfer certain documents and books herein named to the library of the State University ; also, making the State Geologist a member of the faculty of the University, and requiring him to deposit specimens in mineralogy and geology in the cabinet of the same.

Was read a second time.

Mr. Grow moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Crain, Dashiell, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Heffren, Henricks, Hopkins, Howard, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lane, Lee, Mutz, Nebeker, Newman, Orr, Pitts, Prosser, Prow, Ragan, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Ferguson, Knowlton and Thompson—3.

So the rule was suspended, and the bill read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Black, Branham, Brett, Brucker, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Davis, Epperson, Erwin, Feagler, Fisher, Fordyce, Fraley, Frasier, Goar, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Kitchen, Lods, Lane, Lee, Lightner, McClurg, Moorman, Moss, Mutz, Newman, Orr, Parrett, Pitts, Prosser, Ragan, Randall, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Underwood, Williams, Wilson, Woodhull, Woods and Mr. Speaker—67.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Governor, by Mr. Holloway, Executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bills Nos. 62 and 346,

And has caused the same to be filed in the office of the Secretary of State.

House bill No. 62. An act to authorize the Bank of the State of Indiana to lay off and create five additional bank districts, and to locate and establish branches therein.

Also—

House bill 346. An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools, and to repeal all laws in conflict therewith.

Also—

Senate bill No. 85. A bill to legalize the appraisement and assessment of property in cities of this State, and the making out and delivering of tax duplicates in the cities of this State, in certain cases.

Was read a second time.

Mr. Grover moved to suspend the rule, and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brueker, Bundy, Cameron, Campbell, Collins of Whitley, Crain, Dashiell, Epperson, Erwin, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Lods, Lane Lee, Lightner, Moody, Moorman, Moss, Nebeker, Newman, Orr, Parrett, Pitts, Prow, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stotsenburg, Trier, Thomas, Thompson, Underwood, Veatch, Williams, Wilson, Woodhull and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Atkinson, Brett, Coopridger, Ferguson, Mutz, and Stevenson—6.

So the rule was suspended and the bill read a third time, and,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Branham, Brett, Brucker, Bryan, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Coopridger, Crain, Dashiell, Davis, Epperson, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kendrick, Knowlton, Lods, Lane, Lee, Lightner, McClurg, Moody, Moorman, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Polk, Prosser, Prow, Randall, Roberts, Sherman, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—75.

Mr. Roberts voted in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, to-wit:

House bill No. 91. A bill to amend an act approved January 27, 1847, entitled an act to amend an act entitled an act to incorporate the Eel River Seminary Society, approved January 1, 1829, and for other purposes; to amend the second section of said act; to repeal the 3d, 5th and 8th sections; to clothe said society with additional powers; to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their term of office, and the effect of a failure to elect and to confirm the act of the Board of Commissioners of Cass county in releasing to the stockholders of said society all the interest of said county in the society's property and revenues, and releasing all claim of the State thereto, and releasing the corporation from the operation of the act requiring the sale of County Seminaries, and legalizing the proceedings of said corporation.

House bill No. 114. A bill to amend the first section of an act entitled "an act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building pur-

poses," approved May 20, 1852, so as to provide for the incorporation.

House bill No. 139. A bill to enlarge the legal capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

House bill No. 155. A bill fixing the time of holding the Circuit Courts in the Thirteenth Judicial Circuit; regulating the length of the terms thereof, and repealing all laws inconsistent therewith.

House bill No. 159. A bill declaring it to be a misdemeanor to leave open gates, or let down fences, or destroy cattle guards along the line of Railroads, and providing the penalty therefor.

House bill No. 244. A bill to amend section one of an act entitled "an act fixing the time of holding the Circuit Court in the Twelfth Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," approved March 2, 1859.

House bill No. 342. A bill to amend section 124 of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Mr. Anderson, from the Committee on Engrossed Bills, made the following report:

MR. SPEAKER:

The Committee on Engrossed Bills have examined and compared amendments to House bills Nos. 108, 199 and 135, with the originals, and find them correctly engrossed.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

MR. SPEAKER:

The Committee on Enrolled Bills have compared enrolled House bills Nos. 86 and 348, and find them correctly enrolled.

Senate bill No. 108. A bill entitled "an act to allow County Commissioners to organize Turnpike Companies where a majority of per-

sons representing the real estate within prescribed limits petition for the same, and levy a tax for its construction, and provide for the same to be free.

Was read a second time.

Mr. Jenkinson moved to lay the bill on the table.

Which was not agreed to.

Mr. Lane moved to suspend the rule and read the bill a third time now.

The ayes and noes were taken under the Constitution.

Those who voted in the affirmative were,

Messrs. Anderson, Bingham, Black, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Epperson, Erwin, Feagler, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Gresham, Grover, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hurd, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Lane, Lee, Lightner, McClurg, Moody, Moorman, Mutz, Newman, Polk, Prosser, Ragan, Randall, Sherman, Smith of Miami, Stotsenburg, Thomas, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—55.

Those who voted in the negative were,

Messrs. Atkinson, Brett, Coopridger, Hall, Hudson, Jenkinson, Jones of Wayne, Kitchen, Knowlton, Lods, Moss, Orr, Parrett, Prow, Roberts, Sloan and Trier—17.

So the rules were suspended and the bill read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins of Whitley, Erwin, Gresham, Haworth, Henricks, Hopkins, Hurd, Lee, Lightner, McClurg, Moody, Polk, Prosser, Ragan, Randall, Sherman, Thomas, Turner, Underwood, Neatch, Williams, Wilson Woodhull, Woods and Mr. Speaker—33.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Coopridger, Crain, Dashiell, Epperson, Feagler, Ferguson, Fisher, Fordyce, Fraley,

Frasier, Gifford, Goar, Hall, Harvey, Hayes, Heffren, Howard, Hudson, Jenkinson, Jones of Tippecanoe, Jones of Vermillion, Jones of Wayne, Kitchen, Knowlton, Lods, Moss, Mutz, Nebeker, Newman, Orr, Packard, Parrett, Pitts, Prow, Roberts, Sloan, Smith of Miami, Stevenson, Stotsenburg, Trier and Warrum—35.

So the bill did not pass.

Message from the Senate by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bills of the House, without amendment, to-wit:

House bill No. 115. A bill to amend an act entitled "An act supplemental to an act entitled 'an act to exempt property from sale in certain cases,'" approved March 5, 1859.

House bill No. 185. A bill entitled an act to provide for several Districts of the Court of Common Pleas of the State of Indiana.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolutions of the House, to-wit:

House joint resolution No. 32. A joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to procure an appropriation for the improvement of the harbor of Michigan City.

House joint resolution No. 35. A joint resolution directing and requiring the Attorney General to bring suits upon the official bonds, or otherwise, against the State Officers, for the fees and perquisites by them collected and not paid into the State Treasury as required by law.

Message from the Senate, by Mr. Tyner, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representa-

tives that the Senate has concurred in the report of the Committee of Free Conference on

House bill No. 336. A bill making general appropriations for the years 1861 and 1862,

Which said report provides for an appropriation of \$25,000 for the year 1861, and a like sum for 1862; ten thousand of which shall each year be applied to the purchase of materials for continuing the work, or so much thereof as may be necessary to keep the prisoners at work upon said Prison.

On motion by Mr. Stotsenburg,

The House adjourned till Monday next at 9 o'clock, A. M.

MONDAY MORNING, 9 o'clock, }
March 11, 1861.

The House met.

On motion by Mr. Jenkinson,

The reading of the Journal was dispensed with.

REPORTS FROM COMMITTEES.

Mr. Jones of Vermillion, from the Select Committee on Stationery, made the following report:

MR. SPEAKER:

Pursuant to a resolution of the House, passed at the commencement of the present session, requiring the Clerk of the stationery room to report at the close of the session the amount of stationery received by each member; and by the Committees the following report is respectfully submitted.

JAS. A. BELL,
Clerk of Stationery Room.

Mr. HOPKINS—

1 quire paper,
2 dozen pens.

MR. BURGESS—

7 $\frac{1}{2}$ quires paper,
2 $\frac{1}{2}$ dozen pens,
4 packs envelopes.

MR. BRANHAM—

8 $\frac{1}{2}$ quires papers,
1 dozen pens,
4 packs envelopes,
1 inkstand.

MR. WILSON—

2 $\frac{1}{2}$ quires paper,
1 $\frac{1}{2}$ dozen pens,
2 packs envelopes,
1 pencil.

MR. LIGHTNER—

4 $\frac{1}{2}$ quires paper,
1 dozen pens,
2 packs envelopes,
1 bottle mucilage,
1 pencil,

MR. MOORMAN—

3 quires paper,
1 dozen pens,
3 packs envelopes,
2 inkstands.

MR. BRYAN—

3 $\frac{1}{2}$ quires paper,
1 $\frac{1}{2}$ dozen pens,
3 packs envelopes,
6 pencils,
1 inkstand.

MR. JONES, of Tippecanoe—

4 quires paper,
1 $\frac{1}{2}$ dozen pens,
4 packs envelopes,
1 inkstand.

MR. ORR—

8 $\frac{1}{2}$ quires paper,
1 $\frac{1}{2}$ dozen pens,
4 packs envelopes,
2 bottles mucilage,
3 pencils,
2 inkstands.

MR. JONES, of Wayne—

4 quires papers,
1 dozen pens,
2 packs envelopes,
1 pencil.

MR. NEWMAN—

4 quires paper,
1 dozen pens,
4 packs envelopes,
7 pencils,
1 bottle mucilage.

MR. WOODRUFF—

2½ quires paper,
1 pack envelopes,
1 bottle mucilage.

MR. BUNDY—

16 quires paper,
1 box and 2½ dozen pens,
10 packs envelopes,
6 pencils,
3 bottles mucilage.

MR. HALL—

2 quires paper,
2 packs envelopes,
½ dozen pens.

MR. UNDERWOOD—

3 quires paper,
6 pens,
3 packs cards,
2 inkstands.

MR. GROVER—

6 quires paper,
6 pens,
4 packs envelopes,

MR. NEBEKER—

8 quires paper,
2 dozen pens,
5 packs envelopes,
1 inkstand,
1 bottle mucilage,
2 pencils.

MR. GOAR.

7 quires paper,
1 dozen pens,
3 packs envelopes,
1 inkstand,

MR. FISHER—

3 quires paper,
2 boxes and six pens.
3 packs envelopes,
1 pencil,
1 inkstand.

MR. FORDYCE—

$\frac{1}{2}$ quire paper,
1 pack of envelopes.

MR. HAWORTH—

4 quires paper,
 $\frac{1}{2}$ dozen pens,
3 packs envelopes,
1 inkstand.

MR. THOMPSON—

2 quires paper,
2 packs envelopes.

MR. CASON—

$3\frac{1}{2}$ quires paper,
2 packs envelopes.

MR. ALLEN—

$\frac{1}{2}$ ream and $12\frac{1}{2}$ quires paper,
14 packs envelopes,
1 dozen pens,
1 inkstand.

MR. KENDRICK—

4 quires paper,
2 packs envelopes,
6 pens,
1 inkstand.

MR. TURNER—

$2\frac{1}{2}$ quires paper,
3 packs envelopes,
2 pencils.

MR. HENRICKS—

5 quires paper,
2 packs envelopes.

MR. LANE—

3 quires paper,
2 packs envelopes,
3 dozen pens.

MR. RAGAN—

11 quires papers,
6 packs envelopes,
 $8\frac{1}{2}$ dozen pens,
1 bottle mucilage,
2 inkstands.

MR. LEE—

$\frac{1}{2}$ quire papers,
1 pack envelopes,
1 dozen pens,

MR. BOYDSTON—

$3\frac{1}{2}$ quires paper,
2 packs envelopes,
 $3\frac{1}{2}$ dozen pens,
1 bottle mucilage,
1 inkstand.

MR. HUDSON—

$3\frac{1}{2}$ quires paper,
4 packs envelopes,
 $2\frac{1}{2}$ dozen pens,
1 bottle mucilage,
1 dozen gum bands,
1 inkstand.

MR. HARVEY—

1 pack envelopes,

MR. SHERMAN,

12 quires paper,
3 packs envelopes,
2 dozen pens.
1 pencil,
1 inkstand.

MR. THOMAS—

3 quires paper,
2 packs envelopes,

MR. THOMAS, continued—

- 1 dozen pens,
- 1 bottle mucilage,

MR. CRANE—

- 2 quires paper,
- 3 packs envelopes,
- 1 inkstand,

MR. GRESHAM—

- $8\frac{1}{2}$ quires paper,
- 6 packs envelopes,
- $1\frac{1}{2}$ dozen pens,
- 1 inkstand.

MR. FRASIER—

- $3\frac{1}{2}$ quires paper,
- 3 packs envelopes,
- 6 pencils,
- 1 bottle mucilage,
- 6 pens.

MR. JONES, of Vermillion—

- 6 quires paper,
- 4 packs envelopes,
- 1 bottle mucilage,
- 1 dozen gum bands.

MR. CAMERON—

- $9\frac{1}{2}$ quires paper,
- 4 packs envelopes,
- 6 pencils,
- 1 inkstand.

MR. DASHIEL—

- 3 quires paper,
- 2 packs envelopes,
- 6 pens,
- 1 bottle mucilage.

MR. ANDERSON—

- $5\frac{1}{2}$ quires paper,
- 5 packs envelopes,
- 1 dozen pens,
- 6 pencils,
- 1 bottle mucilage,
- 2 inkstands,
- 1 dozen gum bands.

MR. PARRETT—

$3\frac{1}{2}$ quires paper,
 1 pack envelopes,
 6 pens,
 1 Inkstand.

MR. WELLS—

5 quires paper,
 6 pens,
 3 packs envelopes,
 6 pencils,
 1 bottle mucilage.

MR. EPPERSON—

$2\frac{1}{2}$ quires of paper,
 2 packs envelopes,
 1 dozen pens,
 1 pencil.

MR. FERGUSON—

$6\frac{1}{2}$ quires of paper,
 3 packs envelopes,
 1 dozen pens,
 1 inkstand.

MR. ERWIN—

6 quires paper,
 2 packs envelopes,
 $1\frac{1}{2}$ dozen pens,
 6 pencils,
 1 bottle mucilage.

MR. MOODY,

$15\frac{1}{2}$ quires paper,
 10 packs envelopes,
 3 dozen pens,
 1 dozen pencils,
 1 bottle mucilage.

MR. HURD—

$11\frac{1}{2}$ quires paper,
 7 packs envelopes,
 1 box and 1 dozen pens,
 6 pencils,
 1 inkstand,
 1 bottle carmine ink.

MR. BINGHAM—

5 quires paper,

MR. BINGHAM, continued—

2 packs envelopes,
2 dozen pens,
3 pencils,
1 inkstand,
1 bottle mucilage.

MR. WOODS—

7 quires paper,
3 packs envelopes,
1 dozen pens,
1 inkstand.

MR. FRALEY—

4 quires paper.
3 packs envelopes.
1 dozen pens.
1 bottle mucilage.
1 inkstand.

MR. WILLIAMS—

$5\frac{1}{2}$ quires paper.
3 packs envelopes.
6 pens.
1 bottle mucilage.

MR. COLLINS, of Whitley—

6 quires paper.
6 packs envelopes.
1 dozen pencils.
1 inkstand.
1 bottle mucilage.

MR. SMITH, of Miami—

1 quire paper.
1 pack envelopes.
1 dozen pens.
1 inkstand.

MR. WOODHULL—

$\frac{1}{2}$ quires paper.
5 packs envelopes.
3 dozen pens.
2 inkstands.
1 bottle mucilage.
1 bottle carmine ink.
6 pencils.

MR. RANDALL—

4 quires paper.
 5 packs envelopes.
 6 pens.
 1 bottle mucilage.
 1 inkstand.

MR. CAMPBELL—

$1\frac{1}{2}$ quires paper.
 2 packs envelopes.

MR. McLEAN—

6 quires paper.
 3 packs envelopes.
 $2\frac{1}{2}$ dozen pens.
 1 inkstand.

MR. GREER—

2 quires paper.
 6 pens.

MR. JENKINSON—

$\frac{1}{2}$ ream and 14 quires paper.
 5 packs envelopes.
 $\frac{1}{2}$ dozen pens.
 1 bottle mucilage.

MR. BRETT—

5 quires paper.
 4 packs envelopes.
 1 dozen pens.

MR. SMITH, of Bartholomew—

4 quires paper.
 3 packs envelopes.
 1 pencil.
 1 inkstand.

MR. POLK—

3 quires paper.
 3 packs envelopes.
 1 inkstand.

MR. STEVENSON—

4 quires paper.
 2 packs envelopes.
 1 dozen pens.

MR. DAVIS—

$3\frac{1}{2}$ quires paper.
 2 packs envelopes.
 $2\frac{1}{2}$ dozen pens.
 2 pencils.
 2 inkstands.

MR. KNOWLTON—

$11\frac{1}{2}$ quires paper.
 4 packs envelopes.
 2 inkstands.
 1 pencil.
 6 pens.

MR. FORD—

1 quire paper.
 1 pack envelopes.
 3 inkstands.

MR. HOWARD—

1 quire paper.
 2 packs envelopes.

MR. COOPRIDER—

4 quires paper.
 2 packs envelopes.
 1 dozen pens.

MR. COMBS—

2 quires paper.

MR. MOSS—

$2\frac{1}{2}$ quires paper.
 5 packs envelopes.
 $1\frac{1}{2}$ dozen pens.
 1 pencil.

MR. FLEMING—

3 quires paper.
 2 packs envelopes.
 6 pens.

MR. HOLCOMB—

$4\frac{1}{2}$ quires paper.
 2 packs envelopes.
 1 inkstand.
 6 pens.

MR. KITCHEN—

$3\frac{1}{2}$ quires paper.
 1 pack envelopes.
 6 pens.
 1 inkstand.

MR. PITTS—

7 quires paper.
 5 packs envelopes.
 2 dozen pens.
 2 inkstands.

MR. PROW—

1 quire paper.
 1 pack envelopes.
 4 pencils.
 1 inkstand.

MR. HEFFREN—

$5\frac{1}{2}$ quires paper.
 5 packs envelopes.
 1 dozen pens.
 1 inkstand.

MR. STOTSENBURG—

7 quires paper.
 6 packs envelopes.
 6 pens.

MR. ROBERTS—

3 quires paper.
 3 packs envelopes.
 1 dozen pens.

MR. LGDS—

$1\frac{1}{2}$ quires paper.
 2 packs envelopes.
 6 pens.

MR. GIFFORD—

5 quires paper.
 3 packs envelopes.
 1 dozen pens.
 1 pencil.
 1 inkstand.
 1 bottle mucilage.

MR. PACKARD—

$12\frac{1}{2}$ quires paper.
 10 packs envelopes.
 6 pencils.
 1 bottle mucilage.
 $2\frac{1}{2}$ dozen pens.

MR. HAYS—

5 quires paper.
 2 packs envelopes.

MR. ROBBINS—

4 quires paper.
 2 packs envelopes.
 $1\frac{1}{2}$ dozen pens.

MR. WARRUM—

$3\frac{1}{2}$ quires paper.
 2 packs envelopes.
 1 inkstand.
 1 pencil.

MR. ATKINSON—

$3\frac{1}{2}$ quires paper.
 2 packs envelopes.
 2 inkstands.
 6 pens.

MR. MUTZ—

3 quires paper.
 3 packs envelopes.
 1 dozen pens.
 1 pencil.
 3 inkstands.
 1 bottle mucilage.

MR. McCLURG—

$3\frac{1}{2}$ quires paper.
 2 packs envelopes.
 1 dozen pens.
 1 inkstand.

MR. COLLINS, of Adams—

4 quires paper.
 5 packs envelopes.
 2 dozen pens.
 2 bottles mucilage.
 3 pencils.
 1 inkstand.

MR. BLACK—

$4\frac{1}{2}$ quires paper.
 2 packs envelopes.
 1 dozen pens.
 1 inkstand.

MR. OWENS—

13 quires paper.
 6 packs envelopes.
 $1\frac{1}{2}$ dozen pens.
 6 pencils.
 1 inkstand.
 1 bottle carmine ink.

MR. HORTON—

$5\frac{1}{2}$ quires paper.
 5 packs envelopes.
 1 bottle mucilage.
 2 inkstands.
 1 dozen pens.

MR. EDSON—

$7\frac{1}{2}$ quires paper.
 2 packs envelopes.
 6 pens.
 1 inkstand.
 6 gum bands.

MR. FEAGLER—

5 quires paper.
 1 pack envelopes.
 2 pencils.
 2 inkstands.

MR. BRUCKER—

5 quires paper.
 4 packs envelopes.
 $1\frac{1}{2}$ dozen pens.
 6 pencils.

MR. PROSSER—

$5\frac{1}{2}$ quires paper.
 4 packs envelopes.
 1 dozen pens.
 2 inkstands.
 2 pencils.

MR. SLOAN—

7½ quires paper.
2 packs envelopes.
1 dozen pens.
2 inkstands.

MR. VEATCH—

12 quires paper.
3 packs envelopes.
3½ dozen pens.
4 pencils.
1 bottle mucilage.

MR. GORDON, Clerk—

4 reams and 2½ quires paper.
30 packs envelopes.
4½ boxes and 2½ dozen pens.
2½ dozen pencils.
7 inkstands.
3 bottles mucilage.
7½ dozen gum bands.
5 erasers.
1 bottle pounce.

MR. NEWKIRK, Assistant Clerk—

8 reams and 4½ quires paper.
33 packs envelopes.
4 boxes and 7½ dozen pens.
3 dozen pencils.
4 inkstands.
3 bottles mucilage.
3 dozen gum bands.

MR. JOHNSON, Doorkeeper—

9½ quires paper.
9 packs envelopes.
1 inkstand.
3 bottles mucilage.
8 pencils.

REPORTER INDIANA JOURNAL—

1 ream and 8½ quires paper.

REPORTER INDIANA STATE SENTINEL—

1 ream and 16 quires paper.
1 pack envelopes.
2 pencils.
1 bottle mucilage.

ENGROSSING AND ENROLLING CLERKS—

- 6½ reams and 11½ quires paper.
- 14 packs envelopes.
- 3 boxes and 10½ dozen pens.
- 17 pencils.
- 4 bottles mucilage.
- 5 inkstands.
- 3½ dozen gum bands.
- 1 bottle carmine ink.

INVESTIGATING COMMITTEE, NORTHERN PRISON—

- 16 quires paper.
- 1 pack envelopes.
- 1 inkstand.
- 1 pencil.
- 1½ dozen gum bands.
- 1 eraser.
- 1 dozen pens.

STATIONERY COMMITTEE—

- 5 quires paper.
- 2 packs envelopes.
- 13 bottles mucilage.
- 1 dozen pencils.
- 1 inkstand.

COMMITTEE ON PUBLIC EXPENDITURES—

- 6½ quires paper.
- 3 packs envelopes.
- 1 inkstand.
- 1 pencil.

JUDICIARY COMMITTEE—

- 19 quires paper.
- 2 packs envelopes.
- 1 inkstand.
- 1½ dozen pencils.
- 3 dozen pens.
- 1 bottle mucilage.

COMMITTEE ON COUNTY AND TOWNSHIP BUSINESS—

- 4½ quires paper.
- 1 pack envelopes.

COMMITTEE OF WAYS AND MEANS—

- 11½ quires paper.
- 1 pack envelopes.
- 1 bottle mucilage.
- 2 inkstands.
- 1 dozen pens.

COMMITTEE ON RIGHTS AND PRIVILEGES—

4½ quires paper,
1 pack envelopes,
2 dozen pens.

COMMITTEE ON BENEVOLENT INSTITUTIONS—

3 quires paper.

COMMITTEE ON MILITARY AFFAIRS—

11 quires paper,
1 inkstand.

MR. DOBBINS—

6½ quires paper,
6 packs envelopes,
1 dozen pens,
3 inkstands,
1 bottle mucilage.

Mr. McLean, from the Committee on Enrolled Bills, made the following report:

The Committee on Enrolled Bills have compared House enrolled bills Nos. 295, 91, 139, 167, 115, 199, 244, 188, 114, 135, 159, 342, 185 and 155, and joint resolutions Nos. 32 and 35, as also the specific appropriation bill No. 348, and general appropriations for the years 1861 and 1862, numbered 336, and find the same correctly enrolled.

Mr. Heffren offered the following:

Resolved, That the members of this House hereby cordially tender their thanks to Hon. Cyrus M. Allen for the fair and impartial manner with which he has discharged the duties of Speaker of the House during the present session, and for his promptness in despatching the business of this session.

Adopted by unanimous consent.

On motion by Mr. Hayes,

Resolved, That the thanks of this House are due A. P. Newkirk, Assistant Clerk, and to Robert O. Dormer, Charles F. Hogate, Livingston Howland and J. Z. Gower, his assistants, for the efficient and courteous manner in which they have severally discharged their duties as Journal Clerks during the present session.

Mr. Branham, from the Committee on Ways and Means, made the following report:

MR. SPEAKER:

The Committee of Ways and Means, to whom was referred the report of the Committee on Benevolent Institutions, have had the same under consideration, and direct me to report, that the heating apparatus for the Deaf and Dumb Asylum is already provided for in the specific appropriation bill No. 348,

Which was concurred in.

Mr. Hayes, from the Select Committee on the apportionment bill, made the following report,

Which,

On motion,

Was laid on the table.

MR. SPEAKER:

The Select Committee, to whom was referred House bill No. 93, entitled "an act to apportion Senators and Representatives for the next six years," have had the same under consideration, and, as a different committee (or a portion of it) have already reported a bill on the same subject, have instructed me to report the same back, and recommend that it be indefinitely postponed.

JOHN HAYES.

Mr. Sherman, from the Committee on Rights and Privileges, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred House bill No. 215, a bill to regulate the practice of medicine and surgery, have had the same under consideration, and directed me to report as follows:

To amend by inserting between fifth and sixth line of the first section, "providing he has not been a regular practicing physician for the full term of seven years."

Also—

To amend the sixth line of the second section, by striking out the word "Senatorial," and inserting the word "Judicial," and when so amended to recommend its passage.

Which was concurred in.

Mr. Orr, from the Committee on Rights and Privileges of the Inhabitants of the State, made the following report,

Which was concurred in :

MR. SPEAKER :

The Committee on Rights and Privileges, to which was referred the petition of A. Greenman and S. T. Stout, praying the General Assembly to amend the act for the better protection of religious meetings, agricultural fairs and other lawful assemblies of the people, approved March 3d, 1859, (Acts of 1859, page 126,) so as to strike out "one" and insert "three" in 15th line from top, have had the same under consideration, and direct me to report, that there is a bill which has already passed its second reading in the House, which, in the opinion of the committee, will afford the protection prayed for, at least to as great an extent as is necessary. Wherefore, the committee would recommend that the petition lie on the table.

Mr. Smith of Bartholomew, made the following report :

MR. SPEAKER :

The Committee on Rights and Privileges, to whom was referred House bill No. 136, "A bill for the protection of fish and fisheries, and providing penalties for the violation of this act," have had the same under consideration, and instruct me to report the same back to this House, and recommend its passage.

Which was concurred in.

Mr. Thompson, from the Committee on Agriculture, made the following report :

MR. SPEAKER :

The Agricultural Committee, to whom was referred the petition and memorial of J. N. Ray, Nos. 4 and 5, have had the same under consideration, and have directed me to report that the committee have not had time to make a full investigation of all the charges preferred against the State Board of Agriculture, and individual members thereof.

Your committee are fully satisfied that so far as our investigations have gone and the testimony adduced before us, that the petitioner, J. N. Ray, has signally failed to substantiate any fraud or corruption connected with the State Board, or any member or officer connected therewith; and your committee would respectfully ask to be discharged from any further consideration of the subject.

Which was concurred in.

Mr. Bundy, from the select committee of thirteen on federal affairs, made the following majority report :

The majority of the select committee of thirteen, to whom were referred numerous petitions, memorials and resolutions, on the subject of the union of the States, the Crittenden proposition of Compromise, the Border State Compromise, and other proposed modes of adjusting our national difficulties, have had the same under consideration and direct me to report that in the opinion of your majority, it is inexpedient for this General Assembly, at the present time, to recommend either of the proposals for compromise, as it now seems probable that a National Convention will be called in accordance with the fifth article of the Constitution of the United States, for the purpose of considering all the proposed terms of adjustment of the slavery question.

As that Convention will be composed (if called) of delegates fresh from the people, whose right and duty it is to amend their Constitution when circumstances require it, this General Assembly ought not to dictate the terms of such amendments, if it had the power to do so.

Your committee therefore recommend that said petitions, memorials and resolutions be laid upon the table, and that they be discharged from the further consideration thereof.

Which was concurred in.

Mr. Kendrick, from the Committee on the affairs of the Town of Indianapolis, made the following report :

MR. SPEAKER :

The Committee on the Affairs of the Town of Indianapolis, beg leave to submit the following report :

We find the State property within the town of Indianapolis in very bad repair. The buildings and fencing are in a very dilapidated and worn out condition, scarcely answering the purposes for which they were originally built, but owing to the embarrassed condition of the finances of the State, would respectfully suggest that it is inexpedient to attempt an improvement of the aforesaid property at the present time.

The Committee would further recommend that the Auditor of State be authorized to order a sale of the lot of ground belonging to the State, and situate near the cemetery in this City, and place the proceeds arising from such sale, in the general fund belonging to the State.

All of which is respectfully submitted.

INDIANAPOLIS, March 8, A. D. 1861.

WILLIAM H. KENDRICK, *Chairman*,
ISAAC UNDERWOOD,
JOHN HAYES,
JOSEPH GOAR,
JOHN W. FERGUSON,
JOHN A. POLK,
N. WARRUM.

Which was laid on the table.

Mr. Frasier, from the Committee on County and Township Business, made the following report:

MR. SPEAKER:

The Committee on County and Township Business, to whom was referred House bills Nos. 287, 314 and 277, and Senate bills Nos. 82, 99, 101 and 56, would respectfully report that they have failed to act upon them for want of time. They therefore report them back to the House, and recommend that they lie upon the table.

Which was concurred in.

Mr. Knowlton made the following report:

MR. SPEAKER:

The Committee to whom was referred House bill No. 240, entitled "An act to fix the time of holding Courts in the Eleventh Judicial Circuit," beg leave to report the same back and recommend the same to lay on the table.

Which was concurred in and the bill laid on the table.

Mr. McClurg, from the Committee on the Rights and Privileges of the Inhabitants of the State, made the following report:

MR. SPEAKER:

The Committee on Rights and Privileges, to whom was referred a resolution instructing them to inquire into the expediency of making all persons living out of this State, and peddling jewelry in the same, be required to buy a license, have had the same under consideration and recommend that legislation on that subject is necessary.

The report was concurred in.

Mr. Sloan, from the Committee on Claims, made the following report:

MR. SPEAKER:

The Committee on Claims, to whom was referred the claim of Clark Duval and Nelson Fordice, praying an allowance for ditching swamp lands in said Boone County, in the year A. D. 1855, have had the same under consideration, and instruct me to make the following report:

That said Duval and Fordice, in said year, ditched swamp lands in said County to the amount of *four hundred and ninety-nine dollars and ninety-nine cents*, for which amount Nimrod Landers, the Swamp

Land Commissioner of said County, issued a certificate to said Duval and Fordice, which said certificate said parties handed over to the late Gov. Willard for collection; and that said certificate was presented for payment, but not honored, for the reason that at that time there were no funds in the Treasury belonging to said County, and that said certificate cannot be found among the papers of said Willard since his decease, but is supposed to have been mislaid or lost by said Willard.

The Committee would further report that the issuing and non-payment of said certificate is abundantly proven by the affidavit of the claimants, the statements of Aquilla Jones, Treasurer of State, and T. G. Palmer, Deputy Auditor of State, which said statements are herewith presented. And further, that the books of said office do not show that said certificate was ever paid, or any part thereof.

This Committee would further state that said Landers, Swamp Land Commissioner, has deceased since the issuing of said certificate, and also that there is at this time the sum of *seven hundred and fifteen dollars and forty-five cents* in the treasury to the credit of the Swamp Land Fund of said Boone County.

Your Committee would therefore recommend that said claim be paid out of the Swamp Land Fund belonging to said County, and herewith submit the following joint resolution and recommend its passage.

Mr. Cason, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 213, introduced by Mr. Henricks, entitled "An act defining certain felonies, and prescribing punishment therefor," have had the same under consideration, and instruct me to report back to this House, that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that the bill be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER :

The Judiciary Committee, to whom was referred House bill No. 184, introduced by Mr. Jones, entitled "A bill providing jurisdiction of the Circuit and Common Pleas Courts in cases of forfeited recognizance, and providing for service of process, and making the recognizance a lien on all the real estate of the parties signing the recognizance, and giving the prosecuting attorneys additional fees for foreclosing the same, and repealing all laws in conflict with this act,"

have had the same under consideration, and instruct me to report to this House that in the opinion of the said Committee further legislation upon the subject is inexpedient, and that the said bill be laid upon the table.

Which was concurred in and the bill laid on the table.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred House bill No. 181 introduced by Mr. Orr, entitled "A bill to amend the 70th section of an act entitled 'an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases, and repealing all laws conflicting therewith,' " have had the same under consideration, and direct me to report to this House that in the opinion of said Committee, further legislation upon the subject is inexpedient, and that this bill be laid upon the table.

The report was concurred in and the bill laid upon the table.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom was referred Senate bill No. 106, introduced by Mr. Teegarden, entitled "An act to provide for the settlement and compromise by partners and joint debtors with their creditor or creditors," have had the same under consideration and instruct me to report the same back to this House and recommend its passage.

Report concurred in and bill ordered to be engrossed.

Mr. Veatch, from the Committee on the Judiciary, made the following report :

MR. SPEAKER:

The Judiciary Committee, to whom were referred
House bill No. 60, introduced by Mr. Dobbins,
House bill No. 97, introduced by Mr. Henrieks,
Senate bill No. 76, introduced by Mr. O'Brien,
House bill No. 255, introduced by Mr. Crain,
Senate bill No. 221, introduced by Mr. Cravens,
Senate bill No. 65, introduced by Mr. Shoemaker,
Senate bill No. 88, introduced by Mr. Miller,
Resolution No. 9, introduced by Mr. Heffren,
House bill No. 182, introduced by Mr. Parrett,

House bill No. 246, introduced by Mr. Bundy,
 House bill No. 216, introduced by Mr. Bingham,
 House bill No. 282, introduced by Mr. Allen,
 House bill No. 231, introduced by Mr. Jones,
 Memorial No. 5, introduced by Mr. Branham,
 House joint resolution No. 33, introduced by Mr. Bundy.
 Report from Committee on Rights and Privileges on House bill
 No. 60, introduced by Mr. Dobbins,
 House bill No. 228, introduced by Mr. Kendrick,
 Senate bill No. 163, introduced by Mr. DeHart,
 House bill No. 309, introduced by Mr. Heffren,
 Resolution No. 8, introduced by Mr. Brett,
 Resolution No. 23, introduced by Mr. Haworth,
 Resolution No. 4, introduced by Mr. Edson,
 Resolution No. 8, introduced by Prosser,
 Resolution No. 30, introduced by Mr. Orr,
 Resolution No. 15, introduced by Mr. Jones,
 Resolution No. 16, introduced by Mr. Edson,
 Resolution No. 14, introduced by Mr. Collins,
 Resolution No. —, introduced by Mr. Crain,
 Resolution No. 27, introduced by Mr. Kitchen.
 Resolution No. 62, introduced by Mr. Underwood,
 House bill No. 101, introduced by Mr. Jones.
 Petition No. 1, signed by J. Holland and others,
 House bill No. 249, introduced by Mr. Mutz,
 Resolution No. 32, introduced by Mr. Holcomb,
 Resolution No. 13, introduced by Mr. Edson,
 Memorial No. 3, introduced by Mr. Woods,
 Resolution No. 37, introduced by Mr. Brucker,
 House bill No. 43, introduced by Mr. Williams.
 House bill No. 37, introduced by Mr. Edson,

Have instructed me to report back to this House, that the said committee has not had time to take said bills, resolutions, petitions and memorials into consideration, and the said committee recommend that the same be laid upon the table.

Which was concurred in.

Mr. Branham, from the Select Committee to wait on the Governor, made the following report:

MR. SPEAKER:

The Committee appointed by the House to wait on the Governor and ascertain whether he has any further communication to make, have discharged that duty, and his Excellency has informed them that he has no further communications to make to this House.

Mr. Branham, from the Committee on Ways and Means, made the following final report:

MR. SPEAKER:

The Committee of Ways and Means, and the Committee on Public Expenditures, have acted jointly in the discharge of their duty, as far as practicable.

As the General Assembly has ordered a more thorough investigation to be made into the financial affairs of the State, by a joint commission, than is possible in the time allotted to us, we have deemed it sufficient for the present to make the following brief report:

We find the receipts into the treasury for the fiscal year ending October 31, 1859, including the balance from the former year, were	\$1,419,788 00
And the disbursements made up to the same date, according to law, were.....	1,172,357 03
The overdrafts, so far as ascertained, were, up to January 1, 1860.....	45,828 61
The receipts for the fiscal year, ending October 31, 1860, and including a balance in the treasury, were	1,859,820 24
Disbursements were.....	1,621,107 48
The overdrafts, so far as ascertained, were, up to January 1, 1861	40,398 99

So far as we could determine in the time devoted to the examination, some discrepancies exist in several of the public accounts, which, however, we have not been able fully to trace up.

We find the following appropriations were made by the last General Assembly, that have not been paid, the reason being not so much the want of means, as the fact that they had been diverted to other objects.

The General Appropriation Act of 1859, section 13, appropriates for the payment of the amount due the Common School Fund, the sum of.....	\$186,861 64
And for interest, whatever the same may be.	
An appropriation was also made for the payment of indebtedness to the Sinking Fund of.....	179,854 00

No efforts appear to have been made by the proper officers to comply with these provisions of law.

Among the disbursements of public funds not authorized by law, we cite the following:

For drainage of Swamp Lands, in excess of receipts from the fund applicable to that object.....	58,171 40
Expenses for the Northern State Prison.....	103,059 85
Of which for construction	27,014 83

Leaving as expended for pay of Commissioners and incidental expenses.....	76,045 02
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From an examination of the vouchers belonging to this account, we are satisfied there has been in the whole transaction an utter disregard of law, and of the interest of the State.

In our examination of the Auditor's office, we have found numerous instances of funds appropriated to particular accounts being largely overdrawn, and that too, through successive years. To take as an example the account of public printing: By the Auditor's report of 1859, there was appropriated for that purpose, that year.....\$20,000 00
Expended during the year..... 31,969 77

Overdrawing.....	\$11,969 77
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By the Auditor's report of 1860, the appropriation for this purpose was\$10,000 00
Expenses during the year..... 15,899 07

Overdrawing.....	\$ 5,899 07
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Overdrawing in 1859.....	11,969 77
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Total amount overdrawn in two years.....	\$17,868 84
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Some other accounts show a still larger overdrawn within the same period of time, and the whole amount thus overdrawn, as far as ascertained, is as follows:

For 1859.....	\$45,828 61
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For 1860.....	40,398 99
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Total.....	\$86,227 60
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The evils growing out of such a system of keeping accounts and disbursing public moneys are too great to be tolerated, and too manifest to require enumeration. The present system, it is to be hoped, will check some of these abuses, but much yet remains to be done in order to perfect it. The practice of making appropriations in bills, for indefinite amounts, is one that is fraught with evil, and we earnestly recommend that it be discontinued, and that every legitimate object be provided for in the appropriation bills proper, and by the mention of definite amounts.

The law defining the particular kinds of money to be received for taxes, took effect in August 1859, but no part of it seems to have been comprehended by the officers concerned in its enforcement, except the provision for increasing their salaries. They retained the fees that were intended to re-imburse the State for the services they were expected to render but failed to perform the service. Had the law been enforced, the State would have saved in the item of ex-

change on funds wherewith to pay the interest on the public debt, \$10,000 at the least.

The vouchers in the Auditor's office are, in many instances, too vague to be satisfactory. Large sums have been drawn from the treasury, in some cases, by vouchers of a general character specifying no items, and affording no evidence on their face, to prevent the same charges from coming into a new account against the State.

The attention of the present officers of State has been called to these defects, and to other particulars that we have considered evils in the former management of the affairs now entrusted to them. We have earnestly requested them to aim at a correction of these evils, and have no doubt that they will promptly apply all available remedies, and fully carry out the provisions of the present session of the Legislature.

D. C. BRANHAM, *Chairman.*

S. FISHER.

THOMAS GIFFORD,

N. FORDYCE,

M. G. SHERMAN,

Com. of Ways and Means.

R. M. NEBEKER, *Chairman.*

A. H. ROBBINS.

BARTLETT WOODS,

F. P. SMITH,

C. B. KNOWLTON, with mental reservation.

HIGGINS LANE,

M. G. SHERMAN,

Com. on Public Expenditures.

Mr. Heffren made the following minority report, from the Committee on the Northern State Prison:

MR. SPEAKER:

The undersigned, a minority of the joint committee of the Senate and House of Representatives, appointed to investigate the fraud, if any, in the location of the Northern State Prison, and in the contracts for the construction of the same, beg leave to submit their views of the evidence in the case:

It is to be regretted that generally in cases of Legislative investigations, a disposition to manufacture party capital, outruns and controls a desire for the elucidation of the truth. Before this Jugger-naut of party, the fair fame and hitherto unblemished character of our best citizens are often recklessly and rudely assailed and blackened, if thereby the success of party can be insured. And even where the evidence, fairly and fully considered, fails to achieve the party end sought after, it is made to submit to manipulations and

garblings of the most reprehensible character. All rules of law, and all rules of evidence, thrown as a safeguard around the citizen, are rudely thrust aside and trampled upon, so that base party purposes may be subserved.

The undersigned regret that the action of the majority of the joint committee has not been such as to wholly acquit them of this censure.

The meanest and lowest criminal that, at the bar of his country, is tried for offences of the most diabolical nature, is, by the laws of that country, entitled to be heard by himself or attorney; to have witnesses summoned and examined in his defense, and to confront the witnesses for the prosecution, and cross-examine them. And these provisions of the law are wise and proper. If the defense was not allowed to confront and cross-examine the witnesses, and summon his own witnesses, then would every citizen be at the mercy of the bad and depraved, who would scruple not to stain their souls with perjury. A statement made by a witness in a particular manner, might carry a criminal interpretation, which, explained on cross-examination, might appear quite innocent indeed. One man might not scruple, in the absence of the defendant, to make a false statement, which in his presence, he would shrink from making. But it is useless to argue this point. Every citizen in the Republic knows that these safeguards of the law are eminently wise, salutary and just.

The undersigned exceedingly regret that a due regard for truth compels them to say that, in the instance of this investigation, all these safeguards, nay, all these *rights*, guaranteed by the Constitution and laws, to the vilest criminal in the land, were stricken down and trampled under foot. The defence was denied the right of being present at the investigation, and confronting and cross-examining the witnesses. They were even denied the right of having witnesses summoned and examined in their defense! The Committee resolved themselves into a Star Chamber, and with high hand, excluded evidence, and struck down the sacred rights of the citizen. From beginning until the end, it was conducted as an *ex-parte* concern. The character of the citizen was stabbed in the dark, and no opportunity afforded him to defend himself. In the secret recesses of a Committee room, the fair names of men were blackened, and they were denied the right of wiping out the stain. Can such a proceeding be justified before an enlightened people in this, the 19th century? What is such evidence worth?

The defence asked that Mr. J. H. McKim, architect, of Madison, Judge Samuel Hanna, of Fort Wayne, Col. Brown, and Father Kilroy, of Lafayette, Samuel Casey, and C. R. Sanger, of Joliet, Ill., C. B. Blain, Lymon Blair, J. P. Higgins, and J. P. Stickney, of Michigan City, J. R. Scoville and James Sexton, of Chicago, and others, should be summoned, and examined before the Committee, yet this reasonable request was denied them. The defence asked the right of appearing, and confronting and cross-examining the witnesses, yet this right was denied them. The defence demanded the

right of appearing by counsel, but even this was refused. Are men's characters nothing, that they are to be thus rudely assailed, and no opportunity afforded for vindication and defence? Is the untarnished name of the citizen not dear to him, that it is thus to be offered up to the fell purpose of manufacturing political capital? Is party to override all considerations of justice, of right, and of honor? Wherein consists the boasted freedom of our institutions, if the rights of the citizen are to be thus recklessly invaded and violated? It would be strange indeed, if in an investigation conducted in this manner, where disappointed men were the chief witnesses, where all the wise restraints of law were thrown aside, where even the defence was denied the right of cross-examining, where every inducement was offered to perjury, some evidence could not be procured to blacken the character of any public official. But what is such *ex-parte* evidence worth? Error, said a great statesman and wise man, may well be allowed to roam at large, where truth is left free to combat it; but in this case, truth was crippled and pinioned, while defamation and slander, and perjury were allowed free scope, nay, sheltered and protected from exposition, in the secret star chamber of the Committee room. And it is upon such *ex-parte* evidence, that citizens, bearing hitherto unblemished names and fair characters, are to be dragged before the country as criminals, without trial, without opportunity to confront and cross-examine the witnesses, without being allowed a hearing in their own defence, without even being permitted to have their witnesses examined! Where is the man who can stand up before a free people, jealous of their rights, and defend such a partial, one-sided, and outrageous proceeding? The proverbial love of the American heart for fair play and justice, has before now curdled into bitter hatred for injustice, oppression and wrong; and the man who, by trampling upon right, sought to avenge their party feelings by striking down a political opponent, and manufacturing political capital at the expense of every principle of honor and justice, have before now, by the stern verdict and rebuke of the people, learned that the American heart loathes oppression, come in whatever garb it may. And when they see a partisan Committee violating every principle of law, denying the defence the right guaranteed by the Constitution, and by their *secret* proceedings, sheltering and protecting, if not holding out an inducement to, the commission of perjury, that withering rebuke intended for their victims may fall upon their own heads. The people may not fail also to believe that those who love darkness better than the clear light of day, do so because "their deeds are evil." Truth never dreads light. Evil alone skulks into dark recesses. If the elucidation of the truth was all the majority of this Committee desired, why did they dodge from the light of day, and deny the defence the right of confronting and cross-examining the prosecuting witnesses, why refuse them the right of defending themselves by counsel, why deny them even the right of having their witnesses examined? Was perjury to be protected from the withering exposition of a cross-examination? Was the testimony of "swift witnesses"

too weak to stand before the crushing evidence of other witnesses? Why, in the name of justice and right, of honor and truth, was every principle of law violated and trampled upon, and the accused denied the poor boon of vindicating their characters from aspersion and slander, if an honest desire for truth was all the Committee desired? Were the Committee afraid that if such opportunity were afforded, that they would successfully vindicate themselves before the public, and bury their accusers in the guilt of perjury? Whether innocent or guilty, these men were entitled to a fair trial and an impartial hearing. Who will so far dare to violate truth as to pretend to say that they have had such a trial?

There is a power, a latent power, in truth, that ever rises, no matter how "crushed to earth," and asserts the divinity that rests within it. "The best laid schemes of men and mice sometimes go awry." So in this case. Despite the flagrant outrage upon the rights of the accused; despite the secret and dark proceedings of a partizan committee, we affirm that the evidence, fairly and fully weighed and considered, does not warrant the general inferences and conclusions of the committee. We go a step further, and aver that the evidence has been manipulated, distorted, and garbled, in nearly all the cases set forth in the report of the committee. We go a step still further, and emphatically state that in that report quotations are made as from the evidence which cannot be found in any portion of it.

On page four of the Report, we are informed by the committee that Mr. May swore that he got \$30,000 from parties in Fort Wayne as a bribe "to be distributed among the members of the Board of Control and himself, in the event that the prison was located at Fort Wayne," and that this is established "by the evidence of disinterested and highly creditable witnesses, and from facts and the statements of the Directors themselves," that the Directors "not only knew all about it, but planned the whole scheme, and while Mr. May had \$10,000 in his hands, Mr. Mullen or Blake, or both of them, demanded it to be paid over to them. This Mr. May refused."

The best comment upon this statement is the evidence itself, as now lying before us.

Mr. May swears that \$30,000 was placed in his hands by a gentleman of Fort Wayne, \$10,000 in money (in a draft), \$10,000 in a cash note, and a power of attorney to draw \$10,000 out of the State Treasury, in case the prison was located at Fort Wayne. He says: "I proposed to Gov. Willard to pay the \$30,000 to the State, (that is, in case he confirmed the selection of the site at Fort Wayne), but the Governor declined, as he deemed it unfair unless there was something in the law to place other points on an equal footing with Fort Wayne."

Mr. Dunn swears: "After we came home, and had located at Fort Wayne, Mr. May said to me, he had a bill of exchange for \$10,000. I told him to send it right back, which he did. Personally, I know nothing of any offer made to us or any of us, to induce us to locate at Fort Wayne."

Mr. Blake swears: "May told me after the location was made at Fort Wayne, that a donation was made by the citizens of Fort Wayne. This was two or three days after the location was made at Ft. Wayne. I ordered May to send it back immediately. I never had an offer made to me either directly or indirectly, to induce me to vote for the location at any place. Neither do I know of any member of the Board having any offer of a similar character."

Dr. Mullen swears: "I never was informed, until we had located at Fort Wayne, that May had any money or notes placed in his hands to secure the location. I never did demand any money from May, or threaten to shoot him if he did not pay this money over to me."

There is the evidence so far as it appears as furnished us by the clerk of the committee in regard to this \$30,000 transaction! Does it warrant the inference or conclusion of the committee? Mark the impression sought to be conveyed by the report that these things are admitted by the Directors themselves. Where is the evidence "from the facts and statements of the Directors themselves," that "they planned this whole scheme," that "they knew all about it" before they made the location, that "Mr. Mullen or Blake, or both of them, demanded the money to be paid over to them," and that "Mr. May refused?" Very probably, the committee heard such *talk* in the streets, indulged in by scandal-mongers, and the miserable partizan peddlers of slander, who infest our large cities, or perchance they made another draft on their fruitful imagination. Certain it is that their statement is totally unsupported by the evidence of the Directors, whom they represent as having *admitted* it.

The Directors first located the Prison at Fort Wayne, it appears, but for some reason the Governor refused to approve the location, he being in favor of Logansport. Afterwards this difference between them was compromised, by locating the Prison at Michigan City.—The committee are sorely perplexed at this "magic-like" termination of the differences between the Governor and the Directors. They cannot see how the Governor, deeming Michigan City the next eligible site to Logansport, and the Directors deeming it the next eligible site to Fort Wayne, could finally give up their first selections and compromise upon the point they both agreed to as the second choice of each. Strange, isn't it? Practical *common-sense* men could at a glance perceive how really natural the compromise upon Michigan City was, but the committee, gifted with supernatural foresight, smelt fraud at once! And nobody could unravel the fraud but Mr. Achey, who, they inform us, "was the peace commissioner—the angel of merey—that did the whole thing, and that without him there could have been nothing done that was done," and straightway Achey was brought before the committee. We are then informed that Mr. Achey swears: "That he told the Directors he would see the Governor, and he would fix it. He did see the Governor, fixed the matter up, and harmoniously had the location made at Michigan City. He swears that when he went into it he was 'for sale,' and was to have

\$1,000 for what he did. Who was to pay him he does not disclose."

Here the impression is left that Mr. Achey was to be paid by the Directors. The committee lacked the manliness to make the charge, but the sneaking insinuation is clearly put forth. "Willing to wound but yet afraid to strike." Now, what are the facts in the case? Mr. Achey knew that Michigan City was the second choice of each party, and like a sensible man, he perceived at once that where they could not get their first choice, reasonable men were generally willing to compromise upon the second. Hence he went to both parties, as he swears, and told them it "had become a State talk," &c., and finally the matter was arranged between them. In regard to his pay, he considered \$1,000 a fair remuneration for his trouble, and that "Mr. Allen May (then a citizen of Laporte county, in which the Prison was located,) said I should be paid for my services in securing the location at Michigan City." And this is the terrible fraud and bribery about which the committee is so much perplexed!

This brings us to the consideration of the location, the real question in which the people of the State are interested. By any amount of misrepresentations, ridiculous figures, and absurd statements, the committee, in the very face and teeth of the great bulk, seven-eighths of the evidence, pretend to think that Logansport or Fort Wayne would have been the most eligible site for the Prison, on account of the cheapness of materials, &c. And, in order to bear out this impression, we are told by this man and that man, interested of course in their respective localities, that lumber, stone, and brick could have been furnished at their place at such and such low rates. And the Architect is censured because he would not take *their* figures to estimate upon, when his own knowledge taught him that they could and would be furnished at no such rates. Let us burst the bubble by one illustration. A man by the name of Fleming states, in his evidence, the price of brick in Fort Wayne at "\$4 a thousand, kiln-burnt, delivered on the ground, and that the usual price for furnishing materials and laying up brick is from \$1.25 to \$2 per thousand, and the price of oak lumber at from \$8 to \$10 per thousand." Now, in order to show how sectional feeling will warp the judgment of men personally interested, let us turn to the evidence of Mr. May, who is the Architect of the new Court House now being built at Fort Wayne.

Mr. May swears that the contract for building the Court House at Fort Wayne was "\$8 per thousand for common brick in the wall, and for front brick in wall \$10 per thousand," and the price paid for oak lumber was "\$12 per thousand." It is to be presumed that this contract, let out to the lowest bidder by the Commissioners of Allen county, where all the mechanics contested for it, is a better and safer index of the real price of commodities there than the unsupported statement of this man Fleming, who is personally interested, and guided by disappointment and revenge, seeks to gratify his feelings by throwing odium upon the location and the Directors, and it fully demonstrates how unsafe it is for an Architect to base his calculations

upon the enthusiastic statement of persons deeply interested in any matter. Before we pass from this point, we will notice the statement of prices for Logansport. Dr. Taylor states the price for lumber there at \$10 to \$12 per thousand. Mr. May states that "the price for lumber at Logansport was reported at \$14 per thousand," and "that the price of materials was fairer at Michigan City than at Logansport."

But, say the committee: "If the location had been at Ft. Wayne or Logansport, a saving by donation at the one, or in cost of material and donation at the other, as stated by Gov. Willard, would have been	\$30,000 00
Excess of cost of shipment and traveling expenses on account of remoteness of location, say.....	5,000 00
Excess of Talbott & Co's bid over that of Dunlap.....	56,093 33
Excess paid to Directors over lawful wages.....	9,243 20
Excess to Seely do	2,663 94
The whole expense at 25 per cent. too large, as the evidence shows.....	17,100 25
Paid for land.....	4,500 00
Loss.....	\$124,600 72."

There now, if this Committee has not immortalized itself, then is immortality a dream and a delusion! What wonderful magnetism Fort Wayne and Logansport possess, indeed! If the location had been made at either place, the Directors and the Governor, now the vilest rascals in the land, according to this Committee, would have become honest at once, would have accepted Dunlap's bid, and saved the State \$56,000; wouldn't have charged anything for traveling expenses, and would have been content with their "lawful wages," another saving to the State of over \$14,000; wouldn't have had any excess of 25 per cent., and no land to pay for, being another saving of over \$21,000; and, finally, even Superintendent Seely would have become so patriotic that he wouldn't have charged a cent for his services, and thus saved the State \$2,663 94! We never before knew that Fort Wayne and Logansport possessed such a "healing balm," that can thus wipe out all stains of dishonesty, and make scoundrels honest men! We will not suggest that the members of this Committee might improve their morals by a "location" at these noted places, for that might be considered personal! And besides, the wonderful cleansing effect it has had upon one member might not commend it so highly to the public as the Committee's report would indicate! One of the signers of this report has unwittingly, to use a homely phrase, "let the cat out of the bag." We entertain no doubt that had the Prison been located where he desired, we should never have heard from him at least of this great loss to the State; it would have been all right then in his estimation. Seriously, is it not presuming too much on the ignorance of this House, is it not an insult upon its intelligence, for a Committee appointed by its authority, to

seek thus to cram such stuff and nonsense upon it, as a deliberate statement of the loss sustained by the State? But to go on, and upon these figures solemnly state that the actual cash loss to the State is \$47,530 72, is too ridiculous for serious consideration. We aver that these figures are incorrect in every particular. The statement in regard to Governor Willard, that \$30,000 would be saved by locating the Prison at Logansport, rests upon the unsupported and unsustained evidence of one man, and is rebutted by the plain facts of the case. We will show, at the appropriate place, that the other figures are alike unsupported by the evidence.

As to the eligibility of Michigan City as to the site for the new Prison, we will merely quote from two witnesses, whose testimony are amply corroborated, and are not denied by any witnesses in reference to this point. Mr. Henricks, the Representative from St. Joseph County, and one of the prosecuting witnesses, being also one of the rejected bidders, swears: "I regard the location at Michigan City as healthy and eligible as any place in the Northern part of the State, and from its peculiar location the work could be done cheaper there than any other place in the Northern part of the State." Mr. May, whose duty it was to inform himself of the prices of material at every place visited, not from the enthusiastic statements of interested and irresponsible persons, but from the amount paid by mechanics in buildings being erected, as he did, swears: "I think Michigan City a better location for a prison than the other places, from the fact that we found we could procure stone cheaper there than at any of the other places. In rubble stone, I do not think we could have procured so good an article as that which we secured at Michigan City; but the Wabash rubble stone could be obtained at about the same price as at Michigan City. The dimension stone procured at Michigan City is about 30 per cent. cheaper than the stone of same character could be procured at the other points. The rubble stone work for the prison will cost about \$17,000, and the dimension stone work about \$60,000. The cost of furnishing brick was found to be less at Michigan City than other places. * * Pine lumber was much cheaper at Michigan City than at any other point. * * The cost of the prison grounds at Michigan City was \$4,500. All other points asked the full price, to-wit, \$10,000, for the location, so far as I am informed. It is in evidence that according to the arrangement entered into by the Directors and the railroad company, a heavy saving, at least \$10,000, in transportation, was saved to the State. Mr. Hendricks swears: "I think stone could be obtained at the Jolliett quarries, (where they are now obtained,) cheaper than any other place in the West. I have paid a higher price to transport stone three miles on good roads than it will cost to carry it to Michigan City under the contract with the railroad." Yet this sage Committee concludes, from what data the report does not say, that the excess of cost of shipment, &c., on account of the location, is \$5,000! Talk about your clairvoyants and your spiritual mediums. They pretend, at least, to have some basis for their optical delusions, but

this Committee, with optics keener far, "can see what is *not* to be seen!" A mill-stone is no impediment to *their* vision!

It is also in evidence, clear and undisputed, even in that of their chief witness, Mr. Dunlap, that convict labor is worth ten cents per person more at Michigan City than the other points. So that when the prison is full, according to the plan, containing 750 convicts, the gain to the State in Michigan City over any other place would be \$75 per day, or \$27,675 a year.

In addition to all this, Michigan City is only 56 miles distant from Chicago, one of the best markets in the Union. It is on a direct line to Cincinnati, Detroit and Buffalo, with railroad accommodations of a very superior character, much better in this respect than any other point in the Northern portion of the State. With a harbor that could by a small appropriation be rendered one of the best on the Lakes, the great advantages of Lake navigation would be added to its railroad facilities. Everything combines to render it *the* point at which the Prison should have been located. But it is useless to multiply proofs on this head. The Representative from Fort Wayne on the Committee, Mr. Jenkinson, himself, skulked from a comparison of the advantages of the two places as a site for the Prison. He well knew that such a comparison would be fatal to the claim of Fort Wayne.

This brings us to the consideration of the contract, but before going into its merits, we propose to first brush away the rubbish the Committee has so dexterously thrown in our path.

The Committee state that the "only bid that embraced the entire work, was that of Talbott & Costigan, and it appears that their bid was not submitted by the time allowed, nor until after the Governor and Mr. Mullen had returned, when the Board, together with the Governor, had their first meeting, on the — day of July." The admission of the Committee that the "only bid that embraced the entire work was that of Talbott & Costigan," is from their own mouths the strongest evidence that the contract ought to have been awarded to them. Any person who has the least acquaintance with lettings of any character, knows that it is a "trick of the trade" for bidders to bid low on some articles, and leave some specifications untouched to make up for their loss in other matters by charging exorbitant prices upon them. The bid of Talbott & Costigan covered everything leaving no room for fraud or exorbitant charges. Upon its face it was an honest bid, and thus presented the strongest claim for its consideration and acceptance. The other portion of the Committee's statement is not only wholly unsupported by the evidence, but is rebutted by it. Mr. Dunlap himself, the chief prosecuting witness, swears that Mr. Mullen returned the latter part of May, not July, and the Governor some time before him. Mr. Blake, whose evidence is clear, explicit and undenied on this point, swears, that "after Governor Willard got back, (and before Dr. Mullen had returned,) we held a meeting at the Governor's room, to take into consideration the question whether we should open the bids before Mullen returned, there being three out of the

four members present. That day, when I first entered the room, the Governor handed me Talbott & Co.'s bid, and told me it had been placed in his drawer, and I placed it with the other bids." After Mullen's return they met, and "first took up the regularity and legality of Talbott & Co.'s bid. Dr. M. and Dunn both objected to the regularity of the bid, on the ground that it had not been received by Maj. D. and myself on the day we received the other bids. We had some discussion over the question. Governor Willard stated that it had been deposited in his office *in time*, but that, he not being there, it was not handed over to us. We submitted the matter to the Attorney General for his opinion. He decided that it was a regular and legal proposal." It may be necessary to add that the bids were all sealed up and *opened at the same time*. The public can now judge of the truth or falsity of the Committee's statement.

It may be well before noticing the other mis-statements of the Committee, to give here a plain and succinct statement of the matters connected with the contract. After the bids were all in, it was found that Talbott & Co.'s bid was the only formal one that covered all the points—that Dunlap had failed to put in any bid for 12,514 superficial feet of pointed work, 118,865 feet of lumber, 3,000 lineal feet of cement finish, and for 1,724 square yards of pugging, and that he afterwards withdrew his bid for 30,765 pounds of cast iron, and 188,634 pounds of wrought iron; that Dunlap's bid was lowest for foundation of rubble stone, for cut stone, and for galvanized iron, and that Talbott & Co.'s bid was lowest on brick work, on carpenter's work, on joiner's work, on speaking tubes, on painting, on glass and glazing, and on plumbing, and that both bids were the same for plastering; that on the aggregate, calculating that for the work upon which Dunlap had made no bid, he would accept the prices in Talbott & Co.'s bid, Dunlap's bid was lower than Talbott & Co.'s bid by \$24,785.38, and that Moore's bid for plumbing was lower than either of them. After ascertaining these facts, the question arose with the Directors, what would be the interest of the State in making a division of the work, instead of letting the entire work to one party or company. The Directors at last concluded that it would be best to make the award on each item to the lowest responsible bidder, which was done. The award of the plumbing was made to Mr. Moore; the iron to Talbott & Co., and the wood and stone work to Dunlap—leaving the brick question unsettled. Mr. Blake notified the parties, and was informed by Reed and Baggott, Dunlap's partners, "that it would be impossible for them to take a partial award, without getting the whole bid." Mr. Moore was not present, and had nobody to represent him. Talbott & Co. acquiesced in the award for the iron. "Mr. Dunlap said he thought that the award of the stone and wood work to him might possibly be carried out, but as his bid on stone was low, he thought it was unfair to make a division." This plainly indicates the purpose of Dunlap & Co., and shows that the omissions in their bid was purposely intended to be used by them as an advantage, as we will conclusively demonstrate hereafter. Several days

after the Directors met, and as Dunlap & Co. were dissatisfied with the award made to them, and their conduct showed that they did not intend to accept it, the question came up upon his and Talbott & Co.'s bid as a whole. Gov. Willard and Judge Blake voted for Talbott & Co.; Dr. Mullen and Major Dunn voted for Dunlap, thus making tie. Mr. Baggott, the responsible man in the firm of Dunlap, then sent in a letter withdrawing all connection with the firm of Dunlap, and stating that it would be impossible to take the contract under the bid, for it was "*too low.*" The contract was then awarded to Talbott & Co.

We return to the mis-statements of the Committee :

The Committee, *upon Dunlap's own estimate*, gravely state that "The difference in favor of Dunlap's bid was \$56,093 33. The official statement of the Architect, setting forth the difference on every item, shows the statement of the Committee to be utterly false. We quote from the report of the Architect, premising that upon the items for which Dunlap put in no bid, the price of Talbott & Co.'s bid is taken, which, to say the least, was unfair to Talbott & Co., and more than fair to Dunlap.

	<i>Dunlap.</i>	<i>Talbott.</i>
Foundation of rubble stone.....	\$12,187 00	\$17,410 00
Pointed work, [no bid by D.,).....	3,128 50	3,128 50
Cut stone.....	25,959 94	51,570 00
Brick work.....	37,699 13	34,806 94
Lumber, (no bid by D.,).....	1,901 84	1,901 84
Carpenter's work.....	2,987 01	2,781 65
Joiner's work.	5,717 90	4,585 82
Cast iron, (bid withdrawn by D.,).....	922 95	922 95
Wrought iron, (bid withdrawn by D.,).....	17,920 23	17,920 23
Galvanized iron.....	4,814 19	5,879 84
Speaking tubes.....	875 00	560 00
Plastering and cement work, (no bid for cement by D.,).....	816 48	816 48
Painting.....	2,088 00	1,392 00
Glass and glazing.....	1,800 00	1,057 80
Plumbing.....	3,600 00	2,649 60
Pugging, (no bid by Dunlap,).....	431 00	431 00
Total.....	\$98,304 65	\$147,814 55

Difference in favor of Dunlap's bid, \$24,785 38. instead of \$56,093 33, as given by the Committee. "Figures never lie," is an old adage, but in those days figures never passed through the manipulations of this erudite and conscientious Committee.

The Committee next assure us that before the bids were awarded "at least a part of the Directors and the Governor combined and went to work to induce Dunlap's bid to be withdrawn or vacated; the Governor visiting the parties and seemingly doing all in his power to bring about such a result. Finally, after several days ne-

negotiation between the parties, the Governor, Directors, Talbott & Co., and Mr. Bagot, it was agreed that Talbott should pay Bagot \$1,000," &c. In justice to the dead, who now sleeps in his cold and silent grave, beyond the reach of slander and defamation, we brand the statement as basely, meanly, grossly false and infamous. *There is not one word of evidence* to sustain the atrocious and diabolical calumny. It has no foundation, except in the *unsigned* memorandum or letter of a drunken loafer. The testimony of the witnesses on both sides show that Bagot, one of Dunlap's partners, and Dr. Mullen were great friends, and that Mullen was anxious for Bagot's success. According to Bagot, Mullen told him that it was impossible for him to get the contract, and advised him to withdraw and make the best bargain with Talbott & Co. that he could, &c. According to Mullen, when the first award was made, Bagot told him that he would have nothing to do with the contract; that he understood him then as virtually withdrawing at that time; that afterwards he approached him and said he would sell out to Talbott for a sum sufficient to pay his expenses; that he did so and tendered a letter to the Board withdrawing; that inasmuch as Bagot lived in his county, Mr. Talbott, after the letting, placed a sum of money in his hands to be conveyed to him, &c. Now, where is the evidence that Gov. Willard or the other Directors knew anything about this transaction, that they combined and went to work to induce Dunlap's bid to be withdrawn? Where is the evidence that the Governor visited the parties, and interested himself to bring about this result? We defy the Committee to point out the testimony that would give the least plausible ground for such a calumny. Let them do so, or before the public bear the odium of having quoted as evidence that which can nowhere be found in it, for the unworthy purpose of not only maligning the living, but defaming and blackening the memory of the dead. That great statesman and Nature's own unrivalled orator now "sleeps the sleep that knows no waking," but his memory is yet dear to every true-hearted Indianian. His spirit has fled to another land, but his services to Indiana are yet remembered in the hearts of a grateful people; the echo of his clarion voice is yet ringing in their ears, and his manly form and lofty bearing yet loom up before their mind's eye. Ashbel P. Willard will live in the hearts of the people, and on the undying pages of history, when his petty maligners will have sunk from mortal vision and been buried in oblivion's deep waters, and the base slanders spread upon the pages of this Report will be smothered in their own atrocious infamy.

The Committee next inform us that they have "good reason to believe" that Dr. Mullen was the "*secret* partner in the Dunlap bid," instead of his brother, Alexander Mullen, and in another place we are told that one of the Directors "was at least *indirectly*, if not *directly*, deeply interested in the Dunlap bid." The Committee must be gifted with exceedingly short memories indeed. Only a few lines before they represent this very Director, Dr. Mullen, as combining with the Governor, and going to work to induce Dunlap's bid to be

withdrawn, the very bid in which he was a "secret partner," and in which he was "deeply interested!" Most astute, *paradoxical* Committee! Either one of your statements must be untrue, for the one knocks the foundation from the other! You can take which ever horn of the dilemma you please.

Now, we aver that the Committee had the *best* of reasons to believe the very contrary of what they say they believe in reference to this matter. Their own witness, Dunlap, swears that Dr. Mullen did not return here, and knew nothing of Dunlap until the latter part of May; the Committee themselves say he returned in July, yet the partnership agreement lying before them shows that it was formed, with Alexander Mullen as a partner, as early as the 11th of May; so Dr. Mullen could have had nothing to do with it.

We come now to the merits of the contract itself. The Committee say that Dunlap was good, and that one of the securities he offered was the Hon. James Guthrie, of Kentucky. The defence asked that Col. Samuel Casey, of the Joliet Prison, Illinois, should be examined on this point. This gentleman had told Gov. Willard that if Dunlap got the contract the work not only would never be finished, but would never be begun. *The Committee refused to have him examined.* Why? Let the public decide.

But who, except the Committee, says that he is a responsible man? *Himself!* The very witness they summoned to sustain him gives the best of reasons why he should never have had the contract. He (Col. Runion) swears: "He (Dunlap) will *take a spree* occasionally. I have known him to stick to his work for three months at a time. *I have seen him drinking freely four or five times per year, when he came to town.*" And this is the responsible man who actually had been known to stick to his work for *three whole months at a time!* Wonderful perseverance! Remarkable industry! Just to think that for three months he stuck to his work, and was not drunk once! The Committee may regard, perhaps, his drinking capacities as a recommendation, and that a spree occasionally has the effect of making a man "good," but we opine they will have some difficulty in convincing the people of Indiana that a habitual or even an "occasional" drunkard is a fit person to take charge of their public buildings, and to be entrusted with responsible duties, where the State may become a heavy loser.

But we unhesitatingly state that upon its very face the bid was a fraudulent one. It proposed to do a portion of the work at a price so low as to raise the presumption at once that other portions would be so exorbitantly high as to make up, if not exceed the loss, and for this very purpose there were omissions in the bid. The Architect swears: "The State would have lost, in my opinion, \$25,000 or \$30,000 if they had taken Dunlap's bid, because Dunlap proposed to cut stone at 7 cents per superficial foot, which he could not afford to do, and other work which would have to have been completed before the cut-stone was furnished, was at a fair price under his bid, and I think there would have had to have been a re-letting of the cut-

stone." In other words, the trick was this, either to go on and do the work that preceded the cutting of the stone, for which he would have been well paid, and after getting the pay for this, leave the State in the lurch by abandoning the cut-stone work, which alone could have induced the giving of the contract to him, and thus plunge the State in heavy expenses, or go on and do it, and then charge a double or treble price upon the work not included in the bid. And Mr. Dunlap had given himself ample space to do the latter. The work omitted in his bid amounted in Talbott & Co.'s bid to over \$24,000. If Dunlap had got the contract and gone on with the work as soon as he got to cutting stone, he would either have abandoned it, or going on would have charged \$50,000 or \$60,000 for what Talbott & Co. were only to get \$24,000. These are well known to be the "tricks of trade," and experienced men, whenever they see such a bid, write "fraudulent" across its face and pitch it aside. Let us give an instance of this latter practice. In Dunlap's bid the item of pointing and flushing is omitted. The Architect swears: "The pointing and flushing is 'a trick of the trade.' You will find generally that when a bid is made without saying anything about flushing and pointing, after the wall is put up you will have to pay extra for flushing." This is the way these things are managed. The Directors ought to have instantly rejected the Dunlap bid for fraud upon its face.

As to Dunlap's offering the Hon. James Guthrie as security, there is no truth in it. He *talked* of offering him, but never made the offer, and never showed any authority from Mr. Guthrie to make such an offer of his name.

Was Talbott & Co.'s bid a fair one? Let the testimony of E. J. Peck, President of the Terre Haute road, a staunch and decided Republican, and who for fifteen years has been a builder and architect, whose honesty no man dare impeach, answer. Mr. Peck swears: "I have examined the bid of Talbott & Co. on the Northern Prison.

* * * Without specifying each item, but taking it all together, if anything is to be made by the contractors under this bid it will have to be done by close management, and not only that, but the best kind of management; and I will say further that were I out of business, and had the capital, I should be very loth to take the contract at those prices, for the reason that I don't believe I could make enough out of it to justify me." Upon this evidence we are willing to rest the case.

Has the work been well done? On this point the evidence is annihilating. But one man, and he Dunlap, has dared to venture a different statement, and he examined it only about fifteen minutes, near sundown. Hon. A. B. Line, one of the Investigating Committee, testifies: "When I arrived at Michigan City, owing to the snow I could not examine the stone work as well as I desired, but determined to prosecute the investigation of the wood work, and in order to do so I climbed through the scuttle hole to examine the roof. I found the roof as complete a piece of work as I ever saw in my life

of the kind; and as proof of that I found there was not a single tremor of the roof in the sweeping gale that was then blowing. The stone and brick work, so far as I could examine, I found to be very well done, and the wood work throughout the building was substantial and well calculated for the purposes for which it was made," &c.

Mr. Line is a carpenter by trade, and has followed the business for 29 years; his opinion is, therefore, entitled to great weight.

Even the committee's own Architect, Smithmyer, swears: "The work done thus far is done well." And Mr. Hooper, whom he employed to assist him, testifies: "I have examined and measured the wood work, and find the work well done to all visible appearances. And also the brick work, which has been done in a substantial manner. I pronounce it a good job."

Mr. Lot Day., jr., testifies: "I cut through the wall for the purpose of putting a sewer under it. I had two or three hands helping me, and it occupied nearly a day. We had to use crowbars and sledgehammers to get through the wall. The wall was much stronger than I thought it was, and we cut the stone with as much ease as we did the mortar." Yet, in the face of such facts, Mr. Dunlap swears that it isn't a good job, and that "there was no more cement used in the foundation of the wall than I would have used in the foundation of a two-story dwelling!" This shows the prejudiced condition of this man's mind, and also how little his evidence is entitled to consideration.

A short digression here to show the contradictions in this man's testimony may not be out of place. At the commencement of his evidence he swears: "I heard no intimation from the Board that my securities were insufficient." Toward the close of the evidence he swears that Dr. Mullen told him that "the Board did not consider my bid responsible." Here is a direct contradiction. It is very evident that had this man been subjected to a cross examination by the defence, as was their right, his gross falsehoods and misstatements would have been so apparent that no one, not even the committee, would have had the hardihood to quote him as authority for any statement.

Again he swears: "Before the bids were opened, Mr. Lord, whom I was informed was a bidder for the iron work, made me a proposition, and wished me to withdraw my bid for the iron work. * * * In order to compensate the party who had bid for the iron work with me, Lord agreed to pay \$500 if he got the work." Whereupon he, Dunlap, withdrew his bid. Baggot, his silent partner and man Friday, swears: "I know of Mr. Dunlap withdrawing his bid for the iron work. Mr. Dunn got me to go and see Dunlap, and get him to withdraw in favor of Lord and Bryant, and as an inducement to us he (Dunn) told me that the balance of the contract would be ours. I saw Dunlap, and he agreed, *in consideration of that promise*, to withdraw his bid on the iron work." Who is the liar? Dunlap, or his man Friday? Most likely both! And it is upon such testimony taken in the secret recess of a committee room, without being sub-

ject to cross-examination, that we are called upon to blacken the character of respectable and honorable men.

But this is not all. Dunlap further swears: "Sometime after the bids were opened, Mr. Baggott said to me that Dr. B. F. Mullen wanted his brother Dr. Alexander Mullen to have an interest in the work. After conferring with Reed, Baggott and Dr. A. Mullen, it was agreed that he, Dr. A. Mullen, should have one-fourth interest in the work. * * Achey five per cent. to be paid in proportion by all. This was a written agreement and witnessed by Dr. Lynch, and was written in his office." In his written statement or memorandum, which the committee or some other person has altered to suit the report of the committee, and which we submit, marked "A," Dunlap says that Dr. B. F. Mullen returned "sometime in the *latter part of May*." Dr. M. J. Lynch, another of the prosecuting witnesses, swears: "About the first thing Mr. Dunlap brought to my notice was that Dr. Alex. Mullen was, in connection with others, secret partners in his (Dunlap's) bid." The "written agreement" is lying before us, and bears date the *eleventh of May*, does not say one word about Achey, and is not witnessed by Dr. Lynch. So in the above short statement of Dunlap there are five distinct falsehoods: 1st, that the contract with Alex. Mullen was made after the bids were opened, they not being opened until after Dr. B. F. Mullen returned, while the contract bears date some weeks before; 2d, that it was at the instance of Dr. B. F. Mullen that his brother Alexander was made a partner; 3d, that anything was provided in the contract for Achey; 4th, that the written agreement was witnessed by Dr. Lynch; and 5th, that it was written in Lynch's office, it having had an existence previous to Lynch's knowing anything about it. Is it not asking too much of public credulity that upon the evidence of such a man the fair name of not only the living but the dead should be blackened and dishonored? We could show other material contradictions in his evidence, but it is hardly necessary.

This brings us to the consideration of the last point in reference to the contract:

According to the estimate of work done by the contractors, upon the measurement of the work by Messrs.

McKim & Hodgson, architects, the amount is..... \$47,238 20

Not content with this estimate, the committee employed another architect, Mr. J. L. Smithmyer, to make an estimate for them, and he brings in the amount at.....

40,262 27

Showing a difference of..... \$6,975 94

It may become necessary here to ask, who is this Mr. Smithmyer? We can answer the question. He was employed by his party friends, the Commissioners of St. Joseph County, to build a county jail, and he was afterwards dismissed by the same men for incompetency and

malfeasance in office. And this is the *competent* and *honest* architect whose estimate is to overturn the estimate of competent men. Unable to do the work himself, he employed a Mr. Hooper, a *millwright*, to help him do the measurement, and make the estimate! And for his *most important* services, he had the modesty of putting in the following bill, which we copy entire, as an evidence of Republican *modesty*, and Republican *economy*:

INDIANAPOLIS, Ind., February 21, 1861.

Expenses of the Architectural branch of Investigation of the Northern Prison:

For drawing materials.....	\$14 50
For traveling expenses.....	32 00
For teams.....	23 00
For assistant.....	78 00
For help.....	15 00
For traveling expenses, assistant and help.....	6 50
For professional charge for estimating and measuring the work, (amounting to \$402 26,).....	402 26
Total.....	<hr/> \$571 26
Received.....	30 00
	<hr/> \$541 26

JNO, L. SMITHMYER,
Architect of the Committee.

Go it Smithmyer, while you can! It is not often you belong to the "*Architectural Branch*" of such a distinguished Committee. Talk about the salaries, indeed, of Directors, after this exhibition of Republican *economy*.

But Smithmyer made *his* estimate, and is not Smithmyer a great man and a noted architect—"the architect of the committee"—and does he not belong to the "Architectural branch of the Investigation of the Northern Prison?" And if he can neither measure nor estimate himself, is he not entitled to have an assistant—a millwright—who can? and is he not entitled to "help" besides? and should he not be allowed his "professional charge?" Great is Smithmyer! Great is his assistant, the millwright! And great is the committee that employed them.

The thing is too ridiculous for serious consideration. Yet we presume it may be necessary to show from his assistant's, Mr. Hooper's, evidence, that Smithmyer's estimate is not entitled to any weight. Mr. Hooper swears: "We were not very explicit about the iron work which is inside the wall, as we could not get at it;" and again: "We made an estimate of all the lumber and timber in the House, except 16,600 feet, which is in the temporary partition, and

the trimmings of sixteen doors." And this is the *intelligent* estimate that is to be set aside the estimate of architects who were "explicit" in arriving at the measurement of everything!

But we have a Mr. Hodgson brought in here, who on one day can estimate the work at \$47,000, and then after being rubbed down by his Republican keepers, can come in the next day and make a different swear on the matter. Yet the Committee refused to summon Mr. McKim, who had measured the work accurately, and who would have exposed the humbug and unprofessional tricks of these *little* architects. Was this fair or just?

In reference to the pay of Directors all that is necessary to be said on that subject is this, that the \$4,000 received by each included not only nearly two years' pay, but their traveling expenses, which must have been very heavy while they were traveling all over the State seeking a location. Every person in the State must know that it would cost not less than \$6 or \$7 a day for traveling expenses in this State on the railroads, especially where the distance traveled per day is short, from city to city, as this Committee traveled.

Mr. Seely did not receive \$3,758 94 for his services, nor has he been paid as Warden, though his account as such has been allowed by the Directors. The very statement of warrants paid at the State treasury, on account of the prison, shows that he only received about \$2,600, and this included his pay, traveling expenses and all. The disbursement of \$46,000 made by him was for all the expenses of the prisoners, guards, clothing, provisions, &c., and even of this amount over \$2,000 were paid back for the Southern Prison for clothing furnished, and his report made to this very Legislature shows that he has on hand, in good order, State property to the amount of \$14,464 38.

In regard to the allowance of \$3 per day to him for his expenses it is enough to say that it is in evidence that such lawyers as Moses Jenkinson, Esq., Chairman of this Committee, Jonathan W. Gordon, the Republican Clerk of the House, Judge Major, and the Attorney General decided that the Directors were entitled to their traveling expenses, and as Mr. Seely had accompanied them round the State, and had visited other prisons in other States, in order to make himself thoroughly acquainted with the business, \$3 a day was allowed him as a fair equivalent for his traveling expenses. His appointment as Warden so long before the location of the Prison, for which, be it understood, he has not received one cent, was because the Directors expected at the time of his appointment, that the location would be made in a very short time, and he would have to select the prisoners from the lower prison, and prepare himself for his duties.

In regard to the cost of keeping the convicts, every well-informed person must know that under the arrangements at the Northern Prison, just going into operation with no sufficient accommodations, with a large guard force to board, &c., and with only a comparatively small number of convicts requiring just as much "help" as a large number, worked, too, outside the building, requiring many more

guards to prevent their escape, the cost of keeping them must be much larger than in any regular Prison.

The Committee travel out of their way to assail the State Auditor, and charge that he had no authority to audit and pay any money on account of the construction of the Prison, above the \$50,000 appropriated by the Legislature. If the Committee can be made to understand the meaning and force of the English language, we would respectfully invite their attention to the provisions of the law :

SECTION 11. In order to carry out the provisions, (the erection of a new Prison,) of this act, there is hereby appropriated the sum of fifty thousand dollars, out of any money in the treasury.

SEC. 12. The necessary expenses of said Prison, and the control and management thereof, shall be paid out of the State Treasury, under such regulations and restrictions as may be adopted by the Board of Control, and, as far as practicable, in conformity with the practice and usages of the present State Prison.

Now, is there a lawyer in Indiana with an ounce of brains in his head, that does not see at once that the \$50,000 appropriated in section eleven, is only for the erection of a Prison, while the twelfth section makes an unlimited appropriation for the necessary expenses, and the control and management thereof, including such items as the pay of the Directors, Warden, guards, help, clothing, provisions, &c., &c.? We warrant the assertion that there is not a lawyer in the State of Indiana of any note who would peril his professional character by giving it a different construction. Then the Committee's statement that the Auditor exceeded his authority is simply false.

The Committee also travel out of their way to talk about swamp land frauds. Do they think that the people of Indiana have forgotten that one of their State officers was detected in stealing 16,000 acres of the swamp lands, and that another of them lost the State \$100,000 in cash?

The undersigned regret exceedingly that they cannot close their report without bringing to the notice of the House the fact that the evidence of some of the witnesses has been distorted and changed by some person, and that the memorandum or letter marked A., of Mr. Dunlap, has been changed, and altered, and injected into his evidence when it had no business there. This letter or memorandum is made a part of this report in order to show the reprehensible conduct resorted to to manufacture evidence to suit the occasion. The undersigned are unable to decide what other interpolations and alterations have been made in the evidence of the witnesses, for the reason that the book of the evidence was in the possession of a Senator who refused to surrender it until yesterday afternoon, so no opportunity was afforded the undersigned to compare that with the evidence as originally taken down.

To what end and for what purpose has the people of Indiana been put to the heavy expense of this investigation? The answer is easy. Not for any public good, but that the Republicans might get the spending of the money at this Prison into their own hands. They have spread their infamy upon the Statute Book of Indiana! In the face and teeth of their denunciation of Michigan City, and their vehement protests that they would never vote any more money to complete the Prison at that point, no sooner do Talbott & Co. agree to surrender their contract, than these men forget their denunciations of Michigan City, forget their vehement declarations that they would vote no more money to complete the Prison, forget the report of their Committee that Talbott & Co. were not entitled to any more pay, and actually placed upon the Statute Book a law making an appropriation of \$13,000 to Talbott & Co., and another appropriation to complete the Prison! There is Republican honesty for you! Upon the Statute Book that law will remain as a lasting monument of their infamy and disgrace.

HORACE HEFFREN,
JAS. R. SLACK.

Mr. Randall, from the Committee on Roads, made the following report:

MR. SPEAKER:

The Committee on Roads, to whom was referred the petition of sundry citizens of Hendricks county, praying that the law in relation to township business be so amended as to require the township trustee to levy a road tax of not less than ten nor more than twenty cents on the one hundred dollars valuation, have had the same under consideration, and have instructed me to report that further legislation on the subject is inexpedient.

Which was concurred in and the petition laid on the table.

A message from the Governor, by Mr. Holloway, Executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House that he has approved and signed

House bills Nos. 324, 341, 328, 176, 10, 86, 349, 8, 115, 185, 91, 114, 244, 188, 167, 139, 199, 342, 295, 135, 348 and 336,

And has caused the same to be filed in the office of the Secretary of State.

House bill No. 324. A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the second judicial circuit, to fix the times of holding said Courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.

Also—

House bill No. 176. An act to license dogs and providing for the payment of damages sustained in the maiming or killing of sheep by dogs, declaring unlicensed dogs nuisances, and declaring under what circumstances they may be killed, and prescribing a punishment for killing licensed dogs, and to provide penalties for the violation of any provisions of said act by officers and others.

Also—

House bill No. 328. An act to amend section four of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.

Also—

House bill No. 341. An act to amend an act entitled an act to amend the 103d section of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852; approved March 5, 1859.

Also—

House bill No. 86. An act to amend section eight and section ten of an act entitled "an act providing for the election and qualification of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.

Also—

House bill No. 349. An act supplementary to an act entitled an act to provide for the government and discipline of the State's Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved February 5, 1857, providing that the directors of said prison, may work the convicts outside the walls of

said prison under certain instructions, and providing punishment for any interference with the officers or convicts of said prison, while so employed, and providing for the purchase of ground for a grave yard, for the enlargement of the female department of the prison, and authorizing the said directors to adjust and settle all matters in controversy with the contractors in said prison, to make new contracts with said contractors, and repealing section eleven of an act to provide for the government and discipline of the State's Prison, approved March 3, 1855, and all other laws or parts of laws inconsistent herewith, approved Feb. 5, 1857.

Also—

House bill No. 8. An act providing for the allowance of compensation to clerks of the Circuit and Common Pleas Courts, and sheriffs for extra services, and to repeal all laws inconsistent therewith.

Also—

House bill No. 10. An act authorizing county libraries to loan certain funds, and regulate the same.

Also—

House bill No. 185. An act to provide for numbering the several Districts of the Court of Common Pleas of the State of Indiana.

Also—

House bill No. 342. An act to amend section 124 of an act "entitled an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.

Also—

House bill No. 295. An act to amend an act entitled "an act to repeal all laws now in force for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9th, 1857.

Also—

House bill No. 139. An act to enlarge the legal capacity of married women whose husbands are insane, and to enable them to contract as if they were unmarried.

House bill No. 115. An act to amend an act supplemental to an act entitled "an act to exempt property from sale in certain cases, approved February 17th, 1852, approved March 5th, 1859," and to provide for the making out of a schedule by the wife in the absence of the executor defendant.

Also—

House bill No. 114. An act to amend the first section of an act entitled "an act for the incorporation of manufacturing and mining companies, for mechanical, chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies, to furnish motive power to carry on such business, or to supply any city or village with water.

Also—

House bill No. 188. An act to provide for the organization of companies to build dams across any stream to afford slack-water navigation.

Also—

House bill No. 167. A bill concerning promissory notes, bills of exchange, bonds, or other instruments in writing signed by any person who promises to pay money, acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws coming in conflict therewith.

Also—

House bill No. 199. An act to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7th, 1855, and to authorize such societies to issue capital stock.

Also—

House bill No. 244. An act to amend section one of an act entitled "an act fixing the time of holding the Circuit Courts in the Twelfth Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith."

Also—

House bill No. 91. An act to amend an act approved January 27, 1847, entitled "an act to amend an act entitled an act to incorporate

the Eel River Seminary Society, approved January 1, 1829, and for other purposes; to amend the 2d section of said act, to repeal the 3d, 5th and 8th section; to clothe said society with additional powers, to provide for the increase of stockholders, the election of five trustees as sole managers of the affairs of said society, and their terms of office, and the effect of a failure to elect and confirm the act of the Board of Commissioners of Cass county in releasing to the stockholders of said society, all the interest of said county in the society's property and revenue, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of county seminaries, and legalizing the proceedings of said corporation.

Also—

House bill No. 155. An act fixing the time for holding the Circuit Courts in the Thirteenth Judicial Circuit, regulating the length of the terms thereof, and repealing all laws inconsistent therewith.

Mr. Sloan presented the following joint resolution :

No. 38. A joint resolution authorizing the Treasurer of State, upon the warrant of the Auditor of State, to pay a lost certificate for ditching swamp lands in Boone county, to Clark Duval and Nelson Fordyce.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Anderson, Atkinson, Bingham, Black, Brucker, Bryan, Bundy, Burgess, Cameron, Cason, Collins of Whitley, Combs, Coop-
rider, Dashiell, Davis, Erwin, Fisher, Ford, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Haworth, Hayes, Heffren, Henricks, Hopkins, Hurd, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Knowlton, Lane, Lightner, McClurg, McLean, Moody, Moss, Mutz, Nebeker, Orr, Packard, Pitts, Polk, Prosser, Prow, Randall, Robbins, Sherman, Sloan, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Thomas, Thompson, Turner, Warrum, Williams, Wilson, Woodhull, Woods and Mr. Speaker—70.

Mr. Ferguson voting in the negative.

So the joint resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Stotsenburg offered the following joint resolution:

A joint resolution providing for a call for a National Convention under the fifth article of the Constitution.

Mr. Bundy offered the following substitute:

A joint resolution requesting Congress to call a Convention to amend the Constitution of the United States.

The question being on the adoption of the substitute,

Messrs. Atkinson and Packard demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bingham, Branham, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Collins, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Fisher, Fordyce, Fraley, Frasier, Gifford, Goar, Gresham, Grover, Hall, Harvey, Henrieks, Hudson, Hurd, Jones of Tippecanoe, Jones of Vermillion, Kendrick, Lane, Moody, Moorman, Newman, Orr, Randall, Robbins, Sherman, Smith of Miami, Stotsenburg, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woods and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Anderson, Atkinson, Black, Brett, Combs, Coopridger, Dobbins, Ford, Haworth, Hayes, Hefren, Holcomb, Howard, Knowlton, Lightner, McLean, Moss, Packard, Polk, Prosser, Prow, Smith of Bartholomew, Stevenson, Stotsenburg, Trier and Warrum—26.

So the substitute was adopted.

The question being, shall the joint resolution pass?

Those who voted in the affirmative were,

Messrs. Atkinson, Black, Branham, Brett, Brucker, Bryan, Bundy, Burgess, Cameron, Campbell, Cason, Collins of Whitley, Combs, Coopridger, Crain, Dashiell, Davis, Epperson, Erwin, Ferguson, Ford, Fordyce, Fraley, Gifford, Goar, Gresham, Grover, Hall, Hayes, Hefren, Henrieks, Holcomb, Howard, Hurd, Jones of Tippecanoe, Jones of Vermillion, Kitchen, Knowlton, Lane, Moss, Packard, Polk, Prosser, Prow, Randall, Robbins, Smith of Miami, Stotsenburg, Sloan, Trier, Thompson, Turner, Veatch, Warrum, Williams, Wilson and Woodhull—57.

Those who voted in the negative were,

Messrs. Anderson, Fisher, Haworth, Hudson, Kendrick, Lightner, Moorman, Newman, Orr, Parrett, Polk, Sherman, Smith of Bartholomew, Stevenson, Thomas, Underwood, Woods and Mr. Speaker.—18.

So the resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Bundy offered the following resolution :

Resolved, That the Secretary of State procure and send to each member of the House, and to the officers and reporters thereof, two copies of Legislative Brevier Reports. Also, two copies each of the House, Senate and Documentary Journals; and two copies of the Acts of the present session. All to be bound in full sheep.

Which was adopted.

On motion by Mr. Cason,
The following message of the Senate was taken up :

MR. SPEAKER:

I am directed by the Senate to inform the House of the passage by the Senate of the following engrossed joint resolution of the House. to-wit :

No. 38. A joint resolution authorizing the Treasurer of State upon the warrant of the Auditor of State to pay a lost certificate for ditching swamp lands in Boone county, to Clark Duval and Nelson Fordyce.

With the following engrossed amendments of the Senate thereto :

Strike out the title of the joint resolution; and strike out the words: "*Be it resolved by the General Assembly of the State of Indiana,*" and insert "*Be it resolved by the House, the Senate concurring therein,*" so as to make it a concurrent instead of a joint resolution.

On motion by Mr. Cason,
The amendment of the Senate was adopted.

Ordered, That the Clerk inform the Senate thereof.

On motion by Smith of Bartholomew,

Resolved, That the principal Clerk of this House, together with his assistants, are entitled to the thanks of the members upon this floor for the faithful manner in which they have discharged their several duties during the present session of the Legislature.

On motion by Mr. Davis,

Resolved, That the Doorkeeper be instructed to distribute immediately to the members of this House the Reports of the State Board of Agriculture.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following joint resolution of the House, to-wit:

House joint resolution No. 39. A joint resolution requesting Congress to call a Convention to amend the Constitution of the United States,

With an amendment to change it to a concurrent resolution,
Which amendment was concurred in by the House.

On motion by Mr. Grover,

Resolved, That the First Baptist Church of Indianapolis be granted the use of this Hall, as a place of religious worship, during the recess of the Legislature.

On motion by Mr. Smith of Bartholomew,

Resolved, That the several Reporters upon this floor are entitled to the thanks of the members of this House, for the able and impartial manner they have reported the remarks of gentlemen upon this floor during the present session of the Legislature.

On motion by Mr. Stotsenburg,

Resolved, That the State Librarian be directed to take charge, immediately upon the adjournment of the House, of all the books, documents, thermometers, pitchers, looking glasses and other articles which this House has once paid for, and preserve them until the next session of the General Assembly.

H. J.—68.

On motion by Mr. Heffren,

Resolved, That the Secretary of the Senate be directed to contract with A. E. & W. H. Drapier, for binding five hundred copies of the Brevier Reports, (which Reports have been ordered by the House,) if the same do not exceed twelve and a half cents per copy, the same to be paid out of the contingent fund of the State.

Be it resolved by the House of Representatives, the Senate concurring, That there shall be printed, in the German language, and bound in the usual manner, five hundred copies of the laws and joint resolutions passed at the present session of the General Assembly.

Message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives of the passage of the following resolution of the Senate, to-wit :

Resolved, That the Secretary be instructed to inform the House that the Senate has completed its legislative business, and is ready to adjourn, *sine die*, and to inquire if the House has any communication to make to the Senate.

The Speaker announced the following Committees :

Committee on Swamp Land Investigation—Messrs. Crain and Moody.

Committee to Investigate State Offices—Messrs. Branham, Veatch, and Gifford.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following concurrent resolution of the House, to-wit :

Be it resolved by the House of Representatives, the Senate concurring, That there shall be printed in the German language and bound in the usual manner five hundred copies of the laws and joint resolution passed at the present session of the General Assembly.

Mr. Heffren offered the following concurrent resolution in regard to the construction to be put upon section nine of an act to provide for the erection of a new prison north of the National Road, election of officers therefor, making appropriations, and for the regulation of the same, approved March 9, 1859 :

Be it resolved by the House of Representatives, the Senate concurring therein, That said section was intended to mean, and is to be construed as meaning and allowing the Superintendent and Warden three dollars per day, instead of allowing him three dollars per day for Superintendent and three dollars per day for Warden, and that the Directors or Auditor of State be directed to only draw his warrant for only three dollars per day for both Warden and Superintendent per diem,

Which was adopted.

A message from the Senate by Mr. Tyner, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following concurrent resolution :

Resolved, by the Senate, the House of Representatives concurring, That the Auditor of State be instructed to draw his warrant in favor of Charles M. Cochran for one hundred and eighty-three dollars for sixty-one days' service as Messenger of the Senate, which allowance was omitted in "an act making specific appropriations for the year 1861," by mistake in enrolling said bill, and that the President and Secretary of the Senate, and Speaker and Clerk of the House send a certified copy of this concurrent resolution to the Auditor of State as his authority for issuing said warrant.

On motion,
The resolution was concurred in.

Message from the Senate, by Mr. Tyner, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the concurrent resolution of the House in regard to the construction to be put upon section nine of an act to provide for the erection of a new prison north of the National Road, election of officers, etc.

On motion by Mr. Branham,

Resolved, That the Clerk be directed to inform the Senate that the House of Representatives has no further communication to make to the Senate, and that the House is ready to adjourn *sine die*.

Whereupon,

The Clerk proceeded to call the roll, when the following members answered to their names :

Messrs. Anderson, Black, Boydston, Branham, Brett, Brucker, Bundy, Burgess, Campbell, Cason, Combs, Coopriders, Davis, Dobbins, Epperson, Erwin, Ferguson, Fisher, Ford, Fordyce, Gifford, Goar, Gresham, Grover, Haworth, Hayes, Heffren, Henricks, Holcomb, Howard, Hudson, Hurd, Jenkinson, Jones of Tippecanoe, Jones of Wayne, Kendrick, Kitchen, Knowlton, Lane, McLean, Moody, Moorman, Nebeker, Newman, Orr, Packard, Prow, Ragan, Robbins, Sherman, Smith of Bartholomew, Smith of Miami, Stevenson, Stotsenburg, Sloan, Trier, Thomas, Thompson, Turner, Underwood, Veatch, Williams, Wilson, Woodhull, Woodruff, Woods and Mr. Speaker—69.

The Speaker then delivered his valedictory,

And at 1½ o'clock, A. M., declared the House adjourned *sine die*.

INDEX.

A

ABSENCE, LEAVE OF, GRANTED TO—

Mr. Stevenson.....	73
Mr. Moss.....	128, 358, 424
Northern Prison Committee.....	152
Mr. Anderson.....	162, 424, 499
Mr. Knowlton.....	164, 490
Mr. Roberts.....	188, 348, 575
Mr. Orr.....	193, 468, 678
Mr. Epperson.....	193, 468
Mr. Boydston.....	193, 424
Mr. Prosser.....	201, 569
Mr. Howard.....	201, 479
Mr. Owens.....	201, 468
Mr. McClurg.....	209
Mr. Holcomb.....	282, 521
Mr. Smith, of Bartholomew.....	282
Mr. Underwood.....	291
Mr. Thompson.....	292
Mr. Packard.....	292, 484
Mr. Crain.....	292
Mr. Stotsenburg.....	306, 489
Mr. Black.....	317
Mr. Lee.....	317
Mr. Moody.....	342
Mr. Davis.....	342, 424, 569
Mr. Heffren.....	342, 418, 510
Mr. Hall.....	358
Mr. Moorman.....	358
Mr. Erwin.....	358
Mr. Mutz.....	358, 468
Mr. Hopkins.....	358, 424
Mr. Gear.....	364
Mr. Woodruff.....	402
Mr. Atkinson.....	412
Mr. Hudson.....	429
Mr. Hudson.....	424
Mr. Wilson.....	424
Mr. Dobbins.....	456
Mr. Edson.....	462, 678
Mr. Feagler.....	462, 693
Mr. Brucker.....	462, 586
Mr. Horton.....	468
Mr. Robbins.....	462
Mr. Jenkinson.....	468
Mr. Prow.....	468
Mr. Henricks.....	471
Mr. Ragan.....	471
Mr. Randall.....	479
Mr. Stevenson.....	484
Mr. McClurg.....	484

ABSENCE, LEAVE OF, GRANTED TO—Continued.

Mr. Haworth.....	484
Mr. Jones, of Vermillion	484
Mr. Collins, of Whitley	488
Mr. Harvey.....	551
Mr. Lods.....	569
Mr. Brett.....	569
Mr. Ferguson.....	569
Mr. Williams.....	678
Mr. Fleming.....	757

ANDERSON, NOAH—

Appeared and was qualified	3
Resolutions by	112
Bills by.....	256, 287, 333, 376
Petitions by.....	345

ATKINSON, GEORGE Y.—

Appeared and was qualified	4
Bills by.....	116, 174, 175, 406
Motions by.....	557, 770

ALLEN, CYRUS M.—

Appeared and was qualified	4
Voted for for Speaker and elected	5
Returned thanks	6
Bills by.....	43, 228, 597, 665
Resolutions by.....	236
Petitions by.....	203, 204
Motions by.....	528, 716, 796, 799
Communication from	649
Thanks of House tendered to.....	1037

AGENT OF STATE—

Elected	119
Appeals	818

AUDITOR OF STATE—

Communications from.....	49, 129, 239, 304, 421, 492, 682, 851
--------------------------	---------------------------------------

AYES AND NOES—

On election of Speaker	5
On resolution to elect no officers not for the Union.....	9
On resolution authorizing Speaker to appoint Pages.....	22
On amendment to resolution to appoint Select Committee to investigate Northern State Prison	23
On resolution to appoint Committee of Thirteen.....	25
On amendment to same resolution.....	26
On resolution inviting President elect to visit General Assembly.....	47
On joint resolution No. 6.....	51
On the passage of joint resolution No. 7.....	53
On the passage of joint resolution No. 9.....	54
On the passage of joint resolution No. 10.....	56
To suspend rules on House bill 33	70
To lay resolution on table.....	71
On adopting report of Committee on Newspapers.....	76
On concurrent resolution of Senate.....	92
Election of U. S. Senator.....	93
On House bill 59.....	103
On Mr. Veatch's resolution.	108
On House bill 83.....	123
On House bill 84.....	124
On adjournment.....	129
On Mr. Cameron's resolution.....	134
On the passage of House bill 59	137
On Senate message relating to election of State Printer.....	163
On engrossment of House bill 46.....	167
On the passage of joint resolution 23.....	173
On reference of House bill 62.....	178
On laying House bill 39 on the table.....	192
On reading a second time House bill 104.....	194
On reading a third time House bill 104	195
On the passage of House bill 104.....	195

AYES AND NOES—Continued.

On reading Senate bill 14 a second time.....	196
On reading Senate bill 14 a third time.....	197
On the passage of Senate bill 14.....	197
On reading House bill 105 a second time.....	200
On the adoption of Mr. Packard's resolution.....	201
On the adoption of Mr. Bundy's resolution.....	202
On Mr. Heffren's resolution.....	215
On reading House bill 119 second time.....	226
On Mr. Newcomb's resolution.....	241
On the passage of joint resolution No. 9.....	251
On reading House bill 146 first time.....	257
On reading House bill 146 a second time.....	257
On Mr. Stotsenburg's resolution.....	273
On Mr. Stotsenburg's amendment.....	274
On Mr. Heffren's amendment.....	274
On Mr. Prosser's amendment.....	275
On Mr. Heffren's amendment.....	276, 277
On concurring in majority report of Committee of Thirteen.....	277
On the passage of House bill 119.....	279
On the suspension of rules to read Senate bill 97 second time.....	280
On the passage of Senate bill 97.....	281
To read Senate bill 74 a second time.....	288
On reading House bill 152 a third time.....	308
On reading House bill 105 a second time by title.....	311
On reading House bill 146 a second time by title.....	312
On reading House bill 108 a second time by title.....	313
On the adoption of Mr. Cameron's resolution.....	316
On the passage of House bill No. 1.....	317
On reading House bill 91 a second time by title.....	319
On report of Committee on House bill 86.....	328
On laying amendments to House 86 on the table.....	329
On concurring in report of Committee on House bill 134.....	338
Relating to House bill No. 8.....	343
On the passage of Senate bill 74.....	345
On laying House bill 27, and amendments, on the table.....	357
On concurring in the report of the Committee on House bill 86.....	360
On the passage of House bill 86.....	361
On Parrett's motion to lay on table.....	362
On the passage of Senate joint resolution No. 8.....	396
On engrossing House bill 166.....	409
On reading House bill 174 a second time by title.....	411
On reading House bill 192 a second time by title.....	417
On concurring in report of Committee on Banks.....	458
On Mr. Stotsenburg's amendment.....	460
On Mr. Dobbins's amendment.....	460
On the passage of House bill 39.....	461
On passing informally the special order of the day.....	464
On laying on the table Mr. Fisher's resolution.....	467
On the passage of House bill 39.....	468
On concurring in report of Committee on Education.....	470, 471
On suspending order of business on House bill 190.....	479
On reading House bill 196 a second time by title.....	489
On reading House bill 240 a second time by title.....	491
On reading House bill No. 5 a second time by title.....	500
On the passage of House bill No. 5.....	501
On the passage of House bill No. 8.....	503
On the passage of House bill No. 3.....	504
On the passage of House joint resolution 31.....	507
On the passage of House joint resolution 32.....	509
On concurring in report of the Committee on House bill 173.....	513
On the passage of House bill 199.....	517
On laying on the table Mr. Branham's amendments.....	519
On laying on the table House bill 84.....	520
On the passage of joint resolution 22.....	524
On amendment to House bill 84.....	531
On motion to strike out.....	532
On Mr. Woodhull's motion.....	533
On the passage of House bill No. 1.....	537
On the passage of House bill No. 9.....	538
On the passage of House bill 107.....	538
On the passage of House bill 103.....	539
On the passage of House bill 167.....	540
On the passage of House bill 44.....	540
On Mr. Frasier's motion.....	545
On Mr. Stotsenburg's amendment.....	554
On concurring in the majority report of Committee on joint resolution 33.....	554
On Mr. Stotsenburg's amendment.....	555
On Mr. McLean's amendment.....	556
On Mr. Heffren's amendment.....	557
On Mr. Cameron's motion.....	558
On Mr. Cameron's motion.....	560
On Mr. Crain's motion.....	560
On Mr. Cameron's motion.....	561

AYES AND NOES—Continued.

On Mr. Stotsenburg's motion.....	562
On the passage of joint resolution 22.....	565
On Committee's report on House bill 84.....	571
On the passage of House bill 84.....	571
On reading House bill 283 a third time.....	572
On the passage of House bill 283.....	573
On the passage of Senate bill 49.....	577
On the passage of resolution of the House.....	610
On the passage of House bill 42.....	611
On the passage of House bill 46.....	612
On the passage of House bill 13.....	612
On the passage of House bill 52.....	613
On the passage of House bill 81.....	613
On the passage of House bill 161.....	615
On the passage of House bill 69.....	616
On postponing House bill No. 5.....	617
On the passage of House bill 173.....	618
On the passage of House bill 76.....	619
On recommitting House bill 176.....	620
On the passage of House bill 176.....	621
On seconding the previous question.....	641
On postponing House bill 17.....	642
On laying on the table joint resolution 30.....	642
On laying on the table Mr. Gifford's amendment.....	646
On engrossing House bill 315.....	647
On Mr. Cameron's motion.....	652
On the passage of House bill 62.....	653
On reading House bill 324 a second time.....	654
On the passage of House bill 324.....	655
On the passage of Senate bill 104.....	657
On the passage of joint resolution No. 5.....	660
On reading House bill 328 by title.....	665
On the passage of House bill 328.....	666
On the passage of Senate bill 63.....	673
On the passage of House bill 140.....	673
On the passage of House bill 100.....	674
On the passage of House bill 22.....	675
On the passage of House bill 176.....	676
On the passage of House bill 122.....	677
On the passage of House bill 238.....	678
On the passage of House bill 64.....	679
On the passage of House bill 243.....	679
On the passage of House bill 263.....	680
On the passage of House bill 116.....	681
On the passage of House bill 30.....	682
On reading House bill 325 a second time.....	684
On the passage of House bill 325.....	685
On reading by title Senate bill No. 3.....	687
On amendment to House bill 39.....	688
On Senate amendment to same bill.....	688
On laying on the table House bill 135.....	690
On the passage of House bill 135.....	690
On the passage of House bill 296.....	691
On the passage of House bill 139.....	691
On the passage of House bill 124.....	692
On the passage of House bill 115.....	693
On the passage of House bill 135.....	694
On the passage of House bill 114.....	695
On the passage of House bill 77.....	695
On the passage of House bill 129.....	696
On the passage of joint resolution 34.....	701
On concurring in the report of committee on House bill 279.....	709
On the passage of House bill 176.....	716
On laying Messrs. Heffren's and Bundy's amendments on the table.....	720
On concurring in majority report on House bills 192 and 196.....	733
On concurring in report of Committee on House bill 192.....	734
On concurring in report of Committee on House bill 302.....	736
On the passage of House bill 322.....	737
On the passage of Senate bill 31.....	743
On the passage of House bill 82.....	744
On the passage of House bill 313.....	745
On the passage of House bill 122.....	746
On the passage of House bill 91.....	747
On the passage of House bill 89.....	748
On the passage of House bill 72.....	749
On the passage of Senate bill 29.....	749
On the passage of House bill 159.....	750
On the passage of Senate bill 12.....	751
On the passage of Senate bill 24.....	751
On the passage of Senate bill 7.....	756
On the passage of Senate bill 44.....	761
On laying on the table House bill 327.....	763
On the passage of House bill 327.....	764

AYES AND NOES—Continued.

On the passage of House bill 160.....	765
On the passage of House bill 60.....	766
On concurring in report of Committee on joint resolution 37.....	775
On substituting minority for majority report on House bill 117.....	779
On call of the House.....	780
On laying House bill 198 on the table.....	788
On concurring in report of Committee on House bill 61.....	791
On adopting amendment to House bill 61.....	792
On amendment to resolution of Swamp Land Committee.....	795
On the passage of House bill 133.....	796
On reading by title House bill 339.....	798
On reading by title House bill 343.....	801
On laying on the table amendment to Senate bill 205.....	802
On the passage of Senate bill 203.....	804
On the passage of House bill 326.....	807
On concurring in report of House bill 285.....	815
On laying on the table Mr. Heffren's amendment.....	815
On Mr. Stotsenburg's amendment.....	816
On the call of the House.....	817
On seconding previous question.....	817
On the main question.....	818
On Mr. Heffren's appeal from Speaker's decision.....	819
On the main question.....	819
Call of the House.....	819
Dispensing with call of the House.....	820
Knowlton's amendment to House bill 105.....	844
Concurring in report of committee on House bill 105.....	845
Engrossing House bill 105.....	845
Passage of House bill 105.....	846
Motion to excuse Mr. Davis from voting.....	848
Reading House bill 346 second time.....	849
Passage of House bill 346.....	850
Passage of House bill 336.....	856
Reading Senate bill 217 first and second time by title.....	872
Passage of House bill 217.....	874
Reading of House bill 341 third time.....	875
Passage of House bill 341.....	876
Reading Senate bill 115 second time by title.....	883
Passage of Senate bill 115.....	883
Passage of House bill 145.....	888
Passage of House bill 269.....	889
Passage of House bill 154.....	890
Passage of Senate bill 107.....	890
Passage of House bill 187.....	891
Passage of House bill 127.....	892
Passage of House bill 165.....	892
Passage of House bill 10.....	893
Passage of House bill 185.....	894
Passage of House bill 118.....	894
Passage of House bill 15.....	895
Passage of Senate bill 116.....	896
Passage of Senate bill 188.....	897
Passage of House bill 239.....	897
Laying on table Stotsenburg's amendment to House bill 294.....	902
Passage of House bill 294.....	909
Report of Committee on Claims.....	911
Reading House bill 348 by title.....	912
Amendment to House bill 348.....	913
Amendment to House bill 348.....	914
Amendment to House bill 348.....	919
Amendment to House bill 348.....	920
Passage of House bill 348.....	928
Reading House bill 29 second time.....	930
Amendment to House bill 336.....	932
Reading Senate bill 114 second time by title.....	934
Passage of Senate bill 114.....	945
Passage of Senate bill 98.....	941
Passage of Senate bill 25.....	942
Passage of Senate bill 86.....	943
Passage of Senate bill 36.....	943
Passage of Senate bill 77.....	945
Passage of Senate bill 20.....	946
Passage of Senate bill 11.....	947
Passage of Senate bill 52.....	948
Passage of Senate bill 79.....	949
Passage of Senate bill 49.....	949
Passage of Senate bill 18.....	950
Passage of Senate bill 19.....	950
Passage of Senate bill 177.....	951
Passage of Senate bill 171.....	952
Passage of Senate bill 26.....	953
Passage of Senate bill 175.....	956
Passage of Senate bill 57.....	957

AYES AND NOES—Continued.

Passage of Senate bill 117.....	958
Passage of Senate bill 136.....	959
Passage of Senate bill 93.....	960
Passage of Senate bill 73.....	961
Passage of Senate bill 138.....	962
Reading Senate bill 185 third time.....	970
Passage of House bill 295.....	971
Passage of House bill 317.....	972
Passage of House bill 289.....	976
Taking up House bill 330.....	977
Passage of House bill 185.....	978
Reading House bill 330 third time.....	981
Passage of House bill 330.....	982
Passage of House bill 155.....	983
Passage of House bill 242.....	984
Reading Senate bill 169 third time.....	985
Passage of Senate bill 169.....	986
Reading Senate bill 87 third time.....	987
Reading Senate bill 260.....	989
Passage of Senate bill 260.....	990
Reading House bill 70 third time.....	990
Passage of House bill 70.....	991
Reading Senate bill 187 third time.....	992
Passage of Senate bill 187.....	992
Reading Senate bill 153 third time.....	993
Passage of same bill.....	994
Reading Senate bill 121 third time.....	994
Passage of same bill.....	994
Reading Senate bill 277 third time.....	996
Passage of same bill.....	997
Passage of House bill 349.....	1000
Passage of Senate bill 277.....	1001
Reading Senate bill 279 third time.....	1005
Passage of same bill.....	1005
Passage of House joint resolution 17.....	1007
Concurring in report of Conference Committee, on House bill 336.....	1009
Passage of House bill 244.....	1009
Passage of House bill 342.....	1012
Reading Senate bill 45 third time.....	1012
Passage of same bill.....	1013
Reading Senate bill 164 third time.....	1014
Passage of same bill.....	1014
Reading Senate bill 142 third time.....	1015
Passage of same bill.....	1016
Reading Senate bill 85 third time.....	1017
Passage of same bill.....	1018
Reading Senate bill 108 third time.....	1020
Passage of same bill.....	1000
Passage of joint resolution 38.....	1070
Adoption of substitute to joint resolution 39.....	1017
Passage of joint resolution 39.....	1017

B

BILLS OF HOUSE—

(See tabular statement at end of volume.)

BILLS OF SENATE—

(See tabular statement at end of volume.)

BRETT MATTHEW S.—

Appeared and was qualified.....	3
Bills by.....	121, 405, 512
Resolutions by.....	381, 384, 769, 798
Petition by.....	149, 622

BUNDY MARTIN L.—

Appeared and was qualified.....	4
Motions by.....	5, 9, 21, 71, 78, 79, 81, 90, 102, 106, 111, 124, 133, 134, 150, 159, 162, 165, 195, 201, 250, 277, 330, 341, 362, 364, 405, 420, 424, 466, 488, 489, 500, 502, 518, 533, 553, 563, 564, 578, 585, 611, 675, 715, 716, 720, 722, 725, 741, 749, 754, 758, 798, 800, 820, 871, 898, 914, 981, 982, 992, 1006, 1012, 1072

BUNDY MARTIN L.—Continued.

Resolutions by.....	8, 27, 45, 51, 55, 81, 86, 107, 111, 113, 115, 133, 220, 305, 343, 363, 374, 620, 821, 1071, 1072
Bills by.....	53, 69, 226, 228, 256, 508, 597, 650
Memorials and petitions by.....	57, 131, 170, 229, 336, 622

BURGESS JAMES—

Appeared and was qualified.....	4
Resolutions by.....	108, 211, 517
Bills by.....	225, 376
Motions by.....	336, 919
Petitions by.....	607

BINGHAM LUCIUS—

Appeared and was qualified.....	4
Bills by.....	388, 512
Motions by.....	520, 936, 988
Petitions by.....	402

BRANHAM, DAVID C.—

Appeared and was qualified.....	4
Bills introduced by.....	9, 375, 406, 423, 793, 912
Motions by.....	10, 12, 13, 28, 45, 48, 49, 73, 75, 78, 99, 105, 108, 180, 194, 263, 265, 349, 417, 418, 424, 463, 479, 488, 517, 532, 572, 586, 615, 667, 668, 684, 760, 793, 849, 850, 853, 876, 882, 912, 913, 915, 929, 930, 931, 933, 943, 995, 1003, 1004, 1008, 1075
Report by.....	13
Resolutions by.....	44, 507, 598, 667, 993
Petitions by.....	112, 566, 622

BRUCKER, MAGNUS—

Appeared and was qualified.....	4
Resolutions by.....	52, 74, 110, 158, 211, 223, 379
Bills by.....	116, 175, 227, 405
Motions by.....	39, 379

BRYAN, WILLIAM H.—

Appeared and was qualified.....	5
Resolutions by.....	214
Bills by.....	228, 802
Petitions by.....	246

BOYDSTON, THOMAS S.—

Appeared and was qualified.....	4
---------------------------------	---

BELL, JAMES A.—

Selected as Stationery Clerk.....	27
Report from.....	325

BLACK, ———

Bills by.....	43, 89, 121, 175, 259, 303
Petitions by.....	111, 170
Resolutions by.....	58, 211, 380, 584, 598
Motions by.....	502, 586, 748, 757, 892

C

COLLINS, PHILOMEN N.—

Appeared and was qualified.....	3
---------------------------------	---

COLLINS, PHILOMEN N.—Continued.

Bills by.....	88
Resolutions.....	104, 171, 378
Motions by.....	315
Petitions by.....	292

COOPRIDER, ELIAS.—

Appeared and was qualified.....	3
Resolutions by.....	85, 157, 243
Bills by.....	334, 378
Motions by.....	899
Petitions by.....	654

CAMPBELL, JOSEPH.—

Appeared and was qualified.....	4
Resolutions by.....	380
Bills by.....	387, 650

CASON THOMAS J.—

Appeared and was qualified.....	3
Resolutions by.....	57
Bills by.....	71, 225, 259
Motions by.....	284, 314, 502, 643, 676, 768, 796, 895, 1072

CRAIN JOHN G.—

Appeared and was qualified.....	4
Resolutions by.....	81, 214, 506
Bills by.....	120, 512, 650
Petitions by.....	170, 326, 327, 369
Motions by.....	244, 479, 503, 560, 618, 736, 737, 744, 848, 898

COLLINS, OF WHITLEY.—

Bills by.....	89, 162, 258, 405
Motions by.....	180, 618
Resolutions by.....	222, 487

CAMERON ROBERT A —

Appeared and was qualified	4
Bills introduced by.....	40, 52, 89, 95, 426, 603, 604
Resolutions by.....	46, 67, 93, 107, 134, 135, 202, 216, 242, 262, 326, 511, 754, 802
Motions by.....	23, 76, 86, 257, 315, 328, 329, 358, 458, 461, 463, 466, 513, 531, 553, 556, 558, 559, 561, 564, 578, 584, 586, 616, 641, 642, 643, 663, 675, 689, 700, 731, 777, 779, 815, 816, 821, 844, 846, 884, 896, 911, 914, 915, 920, 932, 981
Petitions by.....	326, 653

CLERK, PRINCIPAL.—

Jonathan W. Gordon elected and qualified.....	6
Napoleon B. Rysinger voted for.....	6
Report from.....	68

CLERK, ASSISTANT.—

Azel P. Newkirk elected and qualified.....	7
Mr. Fleming voted for.....	7

COMMUNICATIONS.—

From Auditor of State.....	49, 129
From State Librarian.....	99
From Superintendent of Public Instruction.....	143
From Sinking Fund Commissioners.....	193
From Warden of State Prison.....	282, 295, 569
From Superintendent of Blind Asylum.....	283
From President I. & C. R. R.....	391

COMMUNICATIONS—Continued.

From Secretary Indiana Historical Society.....	521
From Attorney General.....	534
From Superintendent of Insane Hospital.....	900

COMBS, —

Motions by.....	187
-----------------	-----

CALLS OF THE HOUSE.....	164, 335, 780, 816, 819, 945, 1076
-------------------------	------------------------------------

COMMITTEE, SSELECT—

To wait on Minister.....	8, 25
To wait on Governor.....	9, 25
Of 13, resolution referred to a.....	10
On Stationery.....	10
To Revise Rules for Government of House.....	12
On Report from.....	27
On Memorial from Princeton Trustees.....	27
Jones of Vermillion, Report from stationery.....	27
Appointed on Newspapers.....	39
Of five appointed on Heffron's Resolution.....	42
Of two to wait on Gov. Lane and Lt. Gov. Morton.....	45
Of three appointed to raise National Flag.....	82
Of two added to Northern Penitentiary.....	84
Of four on House bill No. 12.....	90
Horton added to Committee on Penitentiary.....	105
Announced to invite President.....	109
Announced on Senate bill No. 74.....	291
Announced to receive President.....	296
Announced under Brett's Resolution.....	389

COMMITTEES, STANDING—

Announced.....	96
----------------	----

D

DAVIS, SAMUEL—

Appeared and was qualified.....	5
Resolutions by.....	135, 463, 768, 1073
Bills by.....	303
Motions by.....	46, 134, 203, 276, 307, 486, 504, 551, 754, 848, 903
Petitions by.....	337, 621

DASHIEL, JOHN T.—

Appeared and was qualified.....	13
Petitions by.....	455

DOORKEEPER—

James T. Johnson elected and qualified.....	8
William H. Taggart voted for.....	8
Directed to place Statutes and Journals on desks.....	9
Report from.....	68
Communication from.....	80
Resolutions directed to.....	84, 85, 86

DOBBINS C. S.—

Appeared and was qualified.....	67
Resolutions by.....	81, 85, 106, 154, 210, 219, 223
Motions by.....	91, 139, 145, 146, 183, 191, 341, 397, 511, 563, 651, 676, 687, 693, 694, 731, 780, 993
Bills by.....	115, 117, 224
Petitions by.....	567

E

EPPERSON, RICHARD—

Appeared and was qualified.....	4
Petitions by.....	455

EDSON, JOSEPH P.—

Appeared and was qualified.....	5
Bills by.....	51, 73, 227, 256, 612, 514, 542, 544
Motions by.....	51, 132, 138, 196, 197, 253, 275, 315, 324, 502, 571, 688, 689
Resolutions by.....	105, 106, 380, 609, 62
Petitions by.....	245, 493, 506, 567

ERWIN, ———

Bills by.....	48, 224
Resolutions by.....	50, 213
Petitions by.....	203, 494

ELECTIONS—

Of Sinking Fund Commissioners.....	822
Of Trustees of Deaf and Dumb Asylum.....	885
Of Trustees of Blind Asylum.....	885
Of President and Commissioners.....	885
Of Commissioners for Insane Asylum.....	885
Of Directors for Prisons.....	903
Of Trustees for Deaf and Dumb Asylum.....	927
Of Trustees for Blind Asylum.....	930

F

FORDYCE, NELSON—

Appeared and was qualified.....	3
Bills by.....	377

FRALEY, JAMES F.—

Appeared and was qualified.....	4
Petitions by.....	336

FORD, JOHN L.—

Appeared and was qualified.....	4
Petitions by.....	188
Motions by.....	200, 252, 586
Bills by.....	225
Resolutions by.....	380

FRASIER, GEORGE W.—

Appeared and was qualified.....	4
Resolutions by.....	40, 50, 83, 120, 132, 147
Bills by.....	69, 332, 314
Motions by.....	71, 84, 109, 146, 335, 343, 388, 391, 411, 468, 479, 490, 502, 545, 555, 564, 570, 616, 617, 620, 641, 690, 693, 759, 814, 849, 896, 908, 913, 915, 945, 959, 976, 980

FERGUSON, JOHN W.—

Appeared and was qualified.....	4
Bills by.....	90
Resolutions by.....	242
Petitions by.....	260
Motions by.....	529, 551, 553, 715, 946, 996

FISHER, STEARNS—

Appeared and was qualified.....	5
Motions by.....	75, 91, 135, 191, 216, 253, 279, 280, 349, 389, 396, 464, 465, 529, 599, 602, 615, 759
Resolutions by.....	171, 220, 465, 491, 700
Bills by.....	225, 667, 758

FLEMING, ALLEN T.—

Appeared and was qualified.....	12
Petitions by.....	155

FEAGLER, HERVEY—

Appeared and was qualified.....	12
Resolutions by.....	48, 73

G

GROVER, IRA C.—

Appeared and was qualified.....	3
Resolutions by.....	58, 210, 212, 286
Bills by.....	88, 375, 386, 393, 680, 800
Motions by.....	192, 452, 671, 672, 871, 787, 872, 873, 875, 915, 900

GRESHAM, WALTER Q.—

Appeared and was qualified.....	4
Resolutions by.....	21, 22, 53, 75, 131, 690, 899, 1092
Motions by.....	51, 78, 81, 109, 311, 330, 352, 500, 553, 577, 641, 643, 666, 715, 720, 734, 742, 746, 765, 768, 788, 803, 845, 954, 976
Bills by.....	89, 200, 665

GORE, JOSEPH—

Appeared and was qualified.....	4
Resolutions by.....	210, 383
Motions by.....	502, 1015
Bills by.....	510
Petitions by.....	337

GORDON, JONATHAN W.—

Elected Principal Clerk and qualified.....	
--	--

GIFFORD—

Resolutions by.....	72
Bills by.....	162, 227, 387, 388
Motions by.....	575, 1014
Petitions by.....	443

GOVERNOR—

Committee appointed to wait upon.....	9
Delivered message to both Houses.....	29
Henry S. Lane elected and qualified.....	60
Henry S. Lane, message of.....	69
Oliver P. Morton, Lieutenant Governor.....	66
Declared elected and qualified.....	66
Communication from H. S. Lane.....	93
Message from O. P. Morton.....	395

H

HOWARD, THOMAS J.—

Appeared and was qualified.....	3
Petitions by.....	102, 669
Bills by.....	116
Resolution by.....	380

HURD, ANSON—

Appeared and was qualified.....	5
Resolutions by.....	85, 113
Bills by.....	174, 378, 388, 537

HAWORTH, RICHARD M.—

Appeared and was qualified.....	4
Motions by.....	73, 96, 240, 994
Resolutions by.....	84, 107, 384, 584, 585

HOLCOMB, SILAS M.—

Appeared and was qualified.....	4
Bills by.....	43, 52, 79
Motions by.....	90, 103, 124, 137, 330, 388, 479, 487, 494, 727
Resolutions by.....	207, 216, 220, 240, 381, 385, 508, 511, 516, 798
Petitions by.....	494, 770

HALL, WILLIAM—

Appeared and was qualified.....	4
Resolution by.....	159

HUDSON, SAMUEL—

Appeared and was qualified.....	4
Resolutions by.....	223

HARVEY, SAMUEL—

Appeared and was qualified.....	4
Bills by.....	523

HAYES, JOHN—

Appeared and was qualified.....	4
Resolutions by.....	56, 214, 222, 307, 1037
Petitions by.....	218, 622
Bills by.....	224

HENRICKS, JOHN A.—

Appeared and was qualified.....	5
Bills by.....	122, 123, 174, 191, 334, 388
Resolutions by.....	608
Petitions by.....	149, 327

HOPKINS, JOHN S.—

Appeared and was qualified.....	5
Petitions by.....	27
Bills by.....	44, 122, 228, 509

HEFFREN, HORACE—

Appeared and was qualified.....	5
Voted for for Speaker.....	5
Resolutions by.....	9, 13, 21, 28, 29, 38, 40, 51, 54, 59, 60, 74, 87, 92, 106, 108, 136, 147, 215, 220, 242, 244, 335, 669, 685, 897, 1037, 1073

HEFFREN, HORACE—

Bills by.....	48, 90, 116, 121, 123, 226, 257, 394, 577, 603, 604, 606, 648, 654
Petitions by.....	149, 494
Motions by.....	21, 25, 28, 39, 44, 51, 73, 75, 78, 82, 123, 126, 133, 134, 136, 150, 215, 219, 276, 308, 312, 313, 317, 329, 330, 335, 501, 557, 562, 564, 585, 588, 611, 650, 651, 654, 655, 664, 672, 675, 676, 683, 688, 687, 720, 767, 768, 797, 823, 875, 914, 915, 920, 932, 933, 946, 976, 977, 981, 985, 986, 988

HORTON, THEODORE—

Appeared and was qualified.....	5
Resolutions by.....	79, 136
Motion by.....	423

J

JENKINSON, MOSES—

Appeared and was qualified.....	3
Bills introduced by.....	41, 227, 255, 375, 394, 511, 665
Resolutions by.....	55, 104, 263, 508, 576
Motions by.....	268, 460, 464, 545, 689, 706, 747, 758, 808, 915, 989, 1020
Petitions by.....	263, 292, 336, 344, 345, 402, 493, 566, 654

JONES, DAVID MILTON, (of Vermillion)—

Appeared and was qualified.....	5
Motions by.....	10, 51, 252
Reports from.....	27, 42
Bills by.....	89, 122, 227, 406, 929
Petitions by.....	218, 577
Resolutions by.....	107, 236

JONES, OLIVER T., (of Wayne)—

Appeared and was qualified.....	5
Resolution by.....	50
Petition by.....	112
Bill by.....	393

JONES, J. F., (of Tippecanoe)—

Appeared and was qualified.....	12
Resolutions by.....	55
Bills by.....	175, 224, 258, 304, 334, 405, 406, 498

JOHNSTON, JAMES T.—

Elected Doorkeeper.....	5
-------------------------	---

JOINT RESOLUTIONS OF THE HOUSE—

See Tabular Statement at end of Volume.

K

KNOWLTON, CHARLES B.—

Appeared and was qualified.....	3
Bills by.....	161, 256, 378, 387
Motions by.....	310, 487, 488, 491, 533, 742, 792

KENDRICK, WILLIAM H.—

Appeared and was qualified.....	4
Bills by.....	42, 57, 227, 304, 333, 376, 394, 404
Petitions by.....	102, 203, 263, 327, 403
Resolutions by.....	506
Motions by.....	953

KITCHEN, —

Resolutions by	110, 210
Bills by	294

L

LODS, CHARLES—

Appeared and was qualified	3
----------------------------------	---

LIGHTNER, DANIEL D.—

Appeared and was qualified	4
----------------------------------	---

LEE, NATHANIEL—

Appeared and was qualified	5
Bills by	122, 395, 597
Motions by	590
Resolutions by	294

LANE, HIGGINS—

Appeared	56
Resolutions by	56, 87, 210
Motions by	137, 139, 170, 519, 685, 1020
Bills by	376
Petitions by	454

LANE HENRY S.—

Declared Governor elect	60
Delivered Message	60
Elected United States Senator	93
Communication from	94

LIBRARIAN, STATE—

Elected	118
---------------	-----

M

McCLURG, LEONARD—

Appeared and was qualified	3
Bills by	50, 79, 121, 801
Resolutions by	86, 238, 379
Motions by	192, 801
Petitions by	149

MOSS, WILLIAM G.—

Appeared and was qualified	4
Bills by	50, 161, 338
Motions by	251

MOODY, GIDEON C.—

Appeared and was qualified	4
Resolutions by	47, 54, 58, 88, 113, 135
Motions by	70, 141, 219, 225, 279, 487, 761, 762, 820, 919, 1010
Petitions by	170
Bills by	225

MOORMAN, JOHN A.—

Appeared and was qualified	4
----------------------------------	---

MOORMAN, JOHN A.—Continued.

Resolutions by	72
Motions by	911

MUTZ JACOB—

Appeared and was qualified.....	5
Resolutions by	105
Bills by	391, 510
Motions by	969, 970

MORTON, OLIVER P.—

Sworn in as Governor	94
----------------------------	----

McLEAN, WILLIAM E.—

Appeared and was qualified.....	5
Bills by	41, 52, 69, 80, 174, 255, 257, 486, 511
Petitions by	454, 455, 505
Motions by	39, 56, 70, 73, 83, 147, 152, 167, 182, 183, 281, 299, 313, 360, 391, 466, 502, 519, 541, 553, 559, 675, 882, 883, 934, 976
Resolutions by	132, 154, 158, 171, 238, 244

MESSAGES FROM THE SENATE—

Announcing organization of the House.....	12
Announcing committee to wait on the Governor	11
Announcing committee to wait on Clergyman.....	21
Announcing acceptance to compare election returns.....	44
Announcing concurrence of Senate in House resolution.....	66
To invite President Lincoln	69
On adoption of concurrent resolution	91
On election of U. S. Senator.....	93
On joint resolution No. 9	114
On election of Librarian and other officers.....	114
On Northern Prison Committee.....	233
On Northern Prison Committee.....	150
On passage of House bill 59	158
On election of State Printer.....	162
On accepting invitation of House.....	164
On passage of Senate bills 11 and 14.....	196
On passage of House joint resolution No. 7.....	199
On passage of House joint resolution No. 23.....	199
On election of H. S. Lane U. S. Senator.....	217
On passage of Senate bill 97.....	279
On passage of House joint resolution 29.....	284
On Senate bill 97.....	288, 291
On State apportionment.....	375
On Senate bill 74	376
Announcing passage of Senate bills 7, 5, 19, 24, 29, 12	389
On passage of Senate joint resolution No. 8.....	396
On passage of Senate joint resolutions Nos. 5, 12, 6, and House joint resolution No. 8.....	397
On passage of Senate bills 77, 79, 16, 18, 26, 41, 49, 56.....	398
Relating to visit of President of the U. S.....	419
On passage of State Prison resolutions.....	419
On passage of Senate bills 31, 52, 104, 116, 163, 175.....	423
On passage of Senate bills 25, 36, 38, 46.....	424
On adopting resolution of the House.....	425
On asking signature to joint resolution No. 8.....	456
On passage of House bill 152.....	456
On passage of Senate bill 77.....	498
On passage of House bill 119.....	499
Presenting Senate joint resolution 12.....	505
On the passage of House bill 104.....	536
On the passage of House bill Fo. 1 with amendments	536
On the passage of House bill 199.....	541
On the passage of Senate bill 86.....	543
Concurrence of Senate to resolution of House.....	559
Districting the State for Congressional purposes.....	563
Concurring in House amendments to joint resolution No. 6.....	568
Passage of House joint resolution 30.....	614
Asking signature to Senate joint resolutions Nos. 6 and 7.....	617
To prevent renewal of McCormick's patent.....	664
Asking signature to joint resolution No. 5 and bill 104	672
Passage of Senate bill 107	686
Passage of Senate bills 20, 30, 57.....	686
Passage of House bill 39.....	687

MESSAGES FROM THE SENATE—Continued.

Passage of Senate bills 20 and 57.....	697
Passage of Senate bills 65, 73, 76, 81, 82, 88, 93, 96, 98, 99, 106, 101, 117, 136, 171, 203, 221.....	697
Passage of Senate bill 133.....	700
Passage of joint resolution 34.....	732
Passage of House bills 140 and 161.....	755
Requesting return of House bill 161.....	760
Passage of House bill No. 3.....	762
Requesting signatures of Speaker and Clerk	789, 790
Passage of House bill 161	793
Concurrence in House resolution.....	804
Requesting signatures.....	847
Passage of engrossed bills of House and Senate	871
Passage of Senate bill 115.....	882
Passage of Senate resolutions	884
Election of Asylum officers.....	884
Passage of House bill 243.....	888
Concurring in amendments to Senate bill 107.....	898
Election of Prison Commissioners.....	902
Requesting signatures.....	907
Passage of House bills 42, 103, 283.....	921
Signatures to Senate bill 115.....	921
Passage of House bill 346	930
Passage of House bill 336	931
Insisting upon amendments to House bill 346	933
Concurrence in resolutions of House	936
Insisting on amendments to House bill 336.....	940
Senate recedes from amendments to House bill 346.....	941
Passage of House bill 133	944
Signatures to Senate bill 111.....	947
Concurrence in House amendments.....	954
Passage of House bills.....	954
Passage of House amendments	955
Passage of House bill 44.....	956
Passage of House bill 64.....	960
Passage of Senate bill 185.....	962
Passage of Senate bills	963
Passage of Senate bills 169 and others.....	964
Concurrence in House amendments.....	972
Passage of House bill 173.....	972
Signatures of Speaker and Clerk.....	976
Concurring in House amendments to Senate bill 77.....	979
Signatures of Speaker and Clerk.....	979
Passage of House bills 15, 106, 186, 317.....	979
Signature of bills	980
Passage of House bill 325.....	980
Signatures of Speaker and Clerk.....	980
Signatures required.....	983
Signatures required.....	985
Signatures required.....	987
Passage of House bill 348.....	988
Passage of House bills 62 and 341	989
Signatures requested.....	989
Signatures requested	993
Insisting on amendments to House bill 348	996
Requesting return to Senate of House bill 349	996
Signatures requested.....	997
Receding from amendments to House bill 86.....	1002
Concurrence in House amendments to Senate bills.....	1003
Passage of Senate bills	1003
Passage of House bill 349	1005
Passage of House bills 8 and 295.....	1006
Passage of House joint resolution 17	1006
Concurring in report of Committee of Conference.....	1007
Passage of House bills 135, 188, 199	1010
Passage of House bill 176	1013
Passage of House bills.....	1018
Passage of House bills 115 and 185.....	1021
Passage of House joint resolutions 32 and 35.....	1021
Concurrence in report of Conference Committee.....	1022
Passage of House joint resolution 38.....	1072
Passage of House joint resolution 39.....	1073
Resolution of Senate that Senate is ready to adjourn.....	1074
Concurrent resolution of the House.....	1074
Concurrent resolution of the House	1075
Concurring in Mr. Heffren's resolution.....	1075

MEMORIALS PRESENTED—

By Mr. Holcomb, of Trustees of Town of Princeton	27
By Mr. Bundy, on the subject of Temperance.....	57
By Mr. Branham, in reference to estates of naturalized citizens	112

MESSAGES FROM GOVERNOR—

Message of Governor Hammond.....	29
Message of Governor Lane.....	60
Message of Governor Morton.....	94
Wm. R. Holloway appointed Private Secretary.....	114
Recommending State loan.....	181
Transmitting Virginia Resolutions.....	184
Informing House of approving bills and joint resolutions	216, 425, 452, 486, 551, 752, 790, 849, 908, 929, 974, 998, 1016, 1066
On Federal Relations.....	216
On the State Agency.....	395
Fees and perquisites of officers.....	667

N

NEBEKER, RICHARD M.—

Appeared and was qualified	5
Resolutions by.....	8, 9, 91, 163, 585
Report from.....	25
Bills by.....	41, 78, 387
Appointed on Select Committee to wait on Minister.....	8
Appointed on Select Committee to wait on Governor.....	9
Motions by.....	22, 55, 56, 85, 126, 132, 184, 187, 243, 252, 258, 295, 308, 341, 342, 361, 372, 384, 391, 463, 468, 500, 501, 502, 503, 582, 584, 643, 743, 779, 780, 792, 797, 948, 982
Petitions by.....	131, 245, 284, 292

NEWMAN, EDMUND BURKE—

Appeared and was qualified	5
Bills by.....	79
Petitions by.....	102
Motions by.....	543, 587, 616

NEWKIRK, AZEL P.—

Elected Assisted Clerk and qualified.....	7
Resolution of thanks	1037

O

ORR, JAMES—

Appeared and was qualified.....	3
Motions by.....	7, 13, 84, 178, 287, 288, 395, 396, 494
Petitions by.....	111
Appointed on select committee to wait on minister.....	8
Reports by.....	27
Resolutions by.....	45, 84, 105, 132, 157, 164, 233, 238, 242, 305, 509
Bills by.....	70, 89, 115, 121, 161, 334, 453

OWENS, WILLIAM W—

Resolutions by.....	86, 114, 385
---------------------	--------------

ORDER OF BUSINESS—

¶ See.....	82
------------	----

P

PERKINS, SAMUEL E. (Judge)

Administered oath of office to members.....	3
Administered oath of office to Governor.....	60

PERKINS, SAMUEL E.—Continued.

Administered oath of office to Lieut. Governor.....	66
Thanks of House tendered to.....	81

PROSSER, LEWIS—

Appeared and was qualified.....	3
Resolutions by.....	3, 85, 506
Bills introduced by.....	49, 116, 268, 498
Motions by.....	22, 71, 126, 136, 164, 192, 241, 250, 252, 275, 467, 479, 502, 558, 558, 564, 663, 688, 716, 780, 887, 970

PARRETT, ROBERT—

Appeared and was qualified.....	4
Motion by.....	109, 128, 143, 252, 356, 362, 371, 388, 405, 407, 489, 537, 552, 620, 647, 910
Bills by.....	258, 259, 334, 377, 394, 514, 666
Petitions by.....	493

POLK, JOHN A.—

Appeared and was qualified.....	4
Resolutions by.....	87, 212, 559
Bills by.....	116, 259, 303
Motions by.....	330, 410 525, 620, 715
Petitions by.....	493, 566

PACKARD, MARCUS A. O.—

Appeared and was qualified.....	4
Bills by.....	44, 117, 161, 225, 229, 649
Resolutions by.....	49, 57, 135, 157, 200, 215, 223
Motions by.....	83, 134, 150, 314, 479, 561, 563, 791, 920
Petitions by.....	218, 607

PROW, CHRISTIAN—

Approved and was qualified.....	5
Petitions by.....	150, 218
Resolutions by.....	172, 605

PITTS, WILLIAM C.—

Appeared and was qualified.....	4
Bills by.....	512

PRISON, NORTHERN STATE—

Resolution relating to.....	23
Select committee appointed on.....	39

PRAYER—

Rev. Gilbert Small by.....	20
----------------------------	----

PETITIONS PRESENTED—

By Mr. Woodhull, in reference to roads.....	54
Newman, on the subject of wild game.....	102
Howard, on the subject of lunatics.....	192
Kendrick, in relation to schools.....	102
Veatch, subject of sheep protection.....	102
Orr, protection of fish.....	111
Black, formation of new counties.....	111
Jones of Wayne, protection of fish.....	112
Branham, estates of naturalized citizens.....	131
Nebeker, formation of new counties.....	131
Bundy, poor of the Southern States.....	131
McClurg, new counties and county boundaries.....	149
Brett, new counties and county boundaries.....	149
Henricks, new counties and county boundaries.....	149
Heffren, asking an appropriation in swamp land funds.....	149
Woodruff, on protection of fish.....	150

PETITIONS PRESENTED—Continued.

Prow, relief of W. T. F. Blackford.....	150
Moody, re-locating county seats.....	170
Crain, formation of new counties.....	170
Woodhull, abolish county treasury system.....	170
Black, changing county boundaries.....	170
Bundy, subject of claims.....	171
Woodruff, game law.....	171
—— feeder dam at North Port.....	187
Ford, dam on Muscatatac.....	188
Erwin, new counties and county boundaries.....	203
Kendrick, from commander of National Guards.....	203
Wells, re-location of county seats.....	203
Speaker, killing of stock by railroad companies.....	203
Speaker, new counties and county boundaries.....	204
Hayes, protection of sheep.....	218
Jones of Vermillion, to amend usury laws.....	218
Packard, formation of new counties.....	218
Prow, roads and highways.....	218
Bundy, to change interest law.....	220
Robbins, to amend assessment law.....	245
Stotsenburg, location of county seats.....	245
Edson, arrest and punishment of horse thieves.....	245
Wells, Slack Water navigation.....	245
Nebecker, township business.....	245
Woodruff, the elective franchise.....	246
Bryan, fencing Tippecanoe Battle Ground.....	246
Woods, to prevent stealing timber.....	246
Roberts, Union meeting.....	260
Ferguson, relief of John Ballentine.....	260
Turner, from Mathews & Johnson.....	260
Roberts, from A. J. Cotton.....	262
Jenkinson, inspection of prison papers.....	263
Kendrick, from Geo. W. Griffith.....	263
Nebecker, from citizens of Jeffersonville.....	284
Nebecker, formation of new counties, &c.....	292
Collins of Adams, fugitives from justice.....	292
Jenkinson, protection of sheep.....	292
Wells, election of County Commissioners.....	292
Stotsenburg, from citizens of Clark county.....	306
Roberts, protection of sheep.....	317
Woods, Calumet feeder dam.....	326
Woodhull, abolishing county treasury system.....	326
Cameron, formation of new counties, &c.....	326
Crain, forming Common Pleas district.....	326
Crain, forming Common Pleas district.....	327
Henricks, for adopting surrogate system.....	327
Kendrick, from T. A. Goodwin.....	327
Bundy, subject of temperance.....	336
Fraley, change of highway laws.....	336
Jenkinson, protection of sheep.....	336
Underwood, change in license law.....	337
Davis, from John McFaden.....	337
Goar, fees and salaries of county officers.....	337
Jenkinson, protection of sheep.....	344
Jenkinson, protection of sheep.....	345
Anderson, same subject.....	345
Crain, formation of Common Pleas district.....	369
Robbins, on adopting Crittenden compromise.....	392
Jenkinson, protection of sheep.....	402
Bingham, change in road laws.....	403
Kendrick, to re-organize agricultural board.....	403
McLean, asylum for inebriates.....	454
Lane, formation of new counties.....	455
Epperson, same subject.....	455
Robbins, federal relations.....	455
McLean, divorces.....	455
Dashiel, from I. C. Kennedy.....	455
Fleming, county boundaries.....	455
Jenkinson, protection of sheep.....	493
Parrett, protection of sheep.....	493
Gifford, Harrison and New Trenton turnpike.....	493
Polk, killing dogs.....	493
Edson, national affairs.....	493
Hefren, same subject.....	494
Woodhull, to repeal act of 1852 on 13th article of constitution.....	494
Holcomb, Wabash and Erie Canal.....	494
Erwin, judicial circuits.....	494
Stotsenburg, to amend constitution.....	505
Woods, relief of Nicholas Scherrer.....	505
McLean, against passage of House bill No. 36.....	505
Edson, federal relations.....	507
Prow, same subject.....	522
Coopridge, same subject.....	522

PETITIONS PRESENTED—Continued.

Edson, same subject.....	522
Fisher, temperance.....	522
Stotsenburg, federal relations.....	546
Randall, subject of sheep.....	546
Anderson, protection to stock.....	546
Packard, federal relations.....	546
Kendrick, from Morrison & Ray.....	547
Burgess, claim of N. L. Cunningham.....	547
Stotsenburg, federal relations.....	566
Polk, same subject.....	566
Branham, from Duval & Fordyce.....	566
Jenkinson, federal relations.....	566
Edson, protection against trespassers.....	567
Dobbins, from citizens of Martin county.....	567
Roberts, federal relations.....	567
Stotsenburg, same subject.....	568
Jones of Vermillion, prison labor.....	577
Stotsenburg, raising sheep.....	598
Packard, temperance.....	607
Burgess, road tax.....	607
Packard, federal relations.....	607
Veatch, protection to sheep.....	607
Davis, federal relations.....	621
Hayes, same subject.....	622
Branham, relief of John W. Dodd.....	622
Stotsenburg, federal relations.....	622
Bundy, protection of religious assemblies.....	622
Brett, federal relations.....	622
Branham, claim of N. F. Cunningham.....	622
Cameron, protection of sheep.....	653
Coopridge, on Federal Relations.....	654
Jenkinson, from Rockhill.....	654
Howard, from Samuel H. Patterson.....	669
Holcomb, jurisdiction of justices.....	770
Holcomb, on Federal Relations.....	770

PROTESTS OFFERED BY—

Edson.....	293
Black.....	419
Anderson.....	717

R

REPORTS FROM THE COMMITTEE ON THE AFFAIRS OF THE TOWN OF INDIANAPOLIS—

By Mr. Kendrick, State property in the city.....	1040
--	------

REPORTS FROM THE COMMITTEE ON AGRICULTURE—

By Mr. Moorman, on House bill 48.....	290
Thompson, on House bill 67.....	250
Turner, on House bill 11.....	366
Davis, on House bills 175, 176.....	496
Turner, on House bill 166.....	496
Moorman, on sundry petitions.....	581
Turner, on petition of John W. Ellis and others.....	582
Davis, on concurrent resolution of House.....	661
Davis, on petitions of F. S. Riggs and others.....	712
Moorman, on House bill 219.....	712
Turner, on House bill 223.....	713
Thompson, on House bills 9, 256.....	713
Thompson, on Senate bill 16.....	713
Thompson, on petition of E. W. Price and others.....	714
Thompson, on House bill 176.....	714
Thompson, on House bill 117.....	778
Moorman, House bill 117.....	779
Thompson, on memorials of J. N. Rea.....	1039

REPORTS FROM THE COMMITTEE ON BENEVOLENT INSTITUTIONS—

By Mr. Cameron, on House bill 79.....	198
Cameron, on petition of N. Fields and others.....	661
Cameron, on resolution of the House.....	717
Cameron, on Petition of J. C. Kennedy.....	718
Cameron, on Benevolent institutions.....	781

REPORTS FROM THE COMMITTEE ON BANKS—

By Mr. Crain, on House bill 89.....	352
Fisher, on House bill 111.....	353
Veatch, on House bill 62.....	456
Fisher on Senate bill 86.....	671
Nebeker, on House bill 209.....	701
Fisher, on House bill 269.....	741

REPORTS FROM THE COMMITTEE ON COUNTY AND TOWNSHIP BUSINESS—

By Mr. Frasier, on resolutions of the House.....	152, 351, 579
Frasier, on House bill No. 4.....	152
Grover, on resolutions of the House.....	190, 232
Frasier, on House bill 39.....	190
Grover, on petition of citizens of Newton County.....	219
Grover, on House bill 47.....	232
Grover, on House bill 119.....	278
Frasier, on petition from Steuben County.....	320
Frasier, on House bill 24.....	364
Brett, on resolution of House.....	365
Brett, on House bill 57.....	365
Wilson, on petition of E. B. Priscoll and others.....	365
Wilson, on resolutions of House.....	365
Ford, on petition from Thomas Stanfield and others.....	366
Jones, of Wayne, on petition of P. C. Hammond and others.....	366
Frasier, on House bill 205.....	422
Frasier, on House bill 138.....	422
Frasier, on House bills 149, 150.....	478
Ford, on House bill 100.....	495
Brett, on House bill No. 4.....	518
Frasier, on House bill 144.....	144
Lane, on House bills 155, 123.....	580
Grover, on House bills 137, 121.....	580
Frasier, on House bills 116, 180.....	711
Jones, of Wayne, House bill 312.....	711
Frasier, on House bill 212.....	778
Brett, on House bill 262.....	806
Frasier, on Senate bill 136.....	958
Frasier, on House bills 287, 314, 277.....	1041
Frasier, on Senate bills 82, 99, 101, 59.....	1041
Knowlton, on House bill 240.....	1041

REPORTS FROM THE COMMITTEE ON CORPORATIONS—

By Mr. Brett, on changing school law.....	364
Parrett, on House bills 91, 15, 114.....	367
Hurd, on House bill 82.....	368
Hurd, on House bill 147.....	582
Erwin, on House bill 202.....	582
Coopridger, on resolution of the House.....	583
Hurd, on House bills 258, 259, 261.....	721
Combs, on House bill 271.....	722
Erwin, on House bill 217.....	723
Coopridger, on House bill 218.....	723
Erwin, on House bill 255.....	723
Coopridger, on House bill 264.....	723
Collins of Whitley, on House bill 230.....	724
Ford, on House bills 178, 267.....	724
Parrett, on House bills 265, 320.....	786
Parrett, on House bill 326.....	806

REPORTS FROM THE COMMITTEE ON CLAIMS—

By Mr. Dobbins, on petition of W. W. Martin and others.....	295
Dobbins, on claim of Geo. W. Griffith and others.....	353
Sloan, on claim of National Guards' Band.....	355
Brucker, on minority report.....	355
Sloan, on House bill 27.....	356
Dobbins, on House bill 27.....	356
Dobbins, on claim of Matthews & Johnson.....	515
Sloan, on same claim.....	515
Dobbins, on petition of Uriah Bullard.....	582
Sloan, on memorial of Andrew J. Gray.....	553
Sloan, on memorial of Nicholas Scherer.....	573
Sloan, on claim of H. C. Carter.....	707
Sloan, on claim of George Savitts.....	707
Sloan, on claim of N. F. Cunningham.....	707
Gresham, on House bill 146.....	708
Black, on claim of John McPadden.....	712
Sloan, on House bill 365.....	768
Dobbins, on claim of Thomas Holbert.....	774

REPORT FROM THE COMMITTEE ON CLAIMS—Continued.

Sloan, on claim of Thomas Holbert.....	774
Sloan, on claim of Clark Duval and Nelson Fordyce.....	775
Dobbins, on claim of N. F. Cunningham.....	776
Sloan, on Claim of N. F. Cunningham.....	776
Sloan, on claim of S. H. Patterson.....	909
Sloan, on claim of Messrs. Duval and Fordyce.....	1040

REPORTS FROM THE COMMITTEE ON ENGROSSED BILLS—

By Mr. Anderson.....	226, 302, 306, 332, 368, 518, 682, 742, 745, 756, 788, 789, 790, 807, 847, 849, 999, 944, 987, 1019
McLean.....	187, 769, 788, 983, 987
Thompson.....	569

REPORTS FROM THE COMMITTEE ON ENROLLED BILLS—

By Mr. McLean.....	194, 252, 426, 466, 518, 563, 610, 808, 887, 888, 899, 928, 973, 983, 984, 1002, 1015, 1019, 1037
--------------------	--

REPORTS FROM THE COMMITTEE ON ELECTIONS—

By Mr. Ragan, on House bills Nos. 6, 23 and 80.....	230
Ragan, on petition of Lewis Rusk and others.....	346
Ragan, on credentials of members.....	346
Ragan, on House bills 110, 190.....	392
Ragan, on credentials of members.....	770

REPORTS FROM THE COMMITTEE ON EDUCATION—

By Mr. Grover, on House bill 61.....	426
Grover, on joint resolution No. 6.....	470
Grover, on joint resolution No. 12.....	471
Grover, on House bill 10.....	472
Grover, on House resolutions.....	548
Grover, on House bill 239.....	549
Collins of Adams, on House bill 232.....	552
Grover, on House bill 292.....	772
Veatch, on House bill 61.....	790

REPORTS FROM THE COMMITTEE OF FREE CONFERENCE—

By Mr. Branham, on House bill 346.....	935
Heffren, on House bill 348.....	1007
Branham, House bill 336.....	1008

REPORTS FROM THE JUDICIARY COMMITTEE—

By Mr. Veatch, on Resolutions of House.....	151, 152, 207, 208, 285, 495, 523, 961
Woodhull, on House bill No. 7.....	204
Woodhull, on Resolutions of House.....	204, 205
Edson, on House bill 42.....	205
Edson, on Resolutions of House.....	205
Cason, on Resolutions of House.....	206, 300
Edson, on House bill 18.....	206
Veatch, on House bill 41.....	206
Veatch, on House bill 56.....	207
Cason, on House bill 34.....	208
Cason, on House bill No. 9.....	208
Edson, on House bills 75, 135.....	230
Veatch, on House bill No. 1.....	263
Woodhull, on House bill 35.....	265
Heffren, on House bill 13.....	265
Edson, on House bill 68.....	266
Woodhull, on House bill 75.....	266
Heffren, on House bill 21.....	266
Edson, on House bill No. 2.....	266
Collins, of Whitley, on House Resolutions.....	267
Woodhull, on House bill 66.....	267
Veatch, on House bill No. 5.....	267
Edson, on House bill 71.....	286
Bundy, on Petition from Joshua Holland and others.....	293
Bundy, on Resolutions of House.....	297
Bundy, on House bill 213.....	297
Veatch, on Petition from George McLaren and others.....	297
Veatch, on House bill 32.....	298
Veatch, on House bill 33.....	298

REPORTS FROM THE JUDICIARY COMMITTEE—Continued.

Veatch, on Petition of John Wheeler and others.....	299
Bingham, on House bill 19.....	300
Edson, on House bill 18.....	300
Cason, on House bill No. 6.....	301
Woodhull, on House bill No. 10.....	327
Veatch, on House bill 85.....	337
Jenkinson, on House bill 73.....	338
Bundy, on House bill 14.....	338
Woodhull, on House bill 134.....	338
Bundy, on House bill No. 8.....	339
Veatch, on House bill 39.....	340
Cason, on House bill 39.....	341
Edson, on House bill 124.....	347
Woodhull, on Petition of H. R. Pomeroy and others.....	347
Gresham, on House bill 31.....	347
Cason, on Petition of B. K. Wilcomb and others.....	348
Cason, on House bills 20, 131.....	348
Veatch, on House bill 115.....	349
Bundy, on House bill 113.....	350
Veatch, on House bill 88.....	350
Bundy, on House bill 109.....	360
Veatch, on House bills 72, 129, 139.....	370
Woodhull, on House bill 143.....	371
Cason, on House bill 154.....	404
Bundy, on House bill 50.....	403
Bundy, on House bill 172.....	409
Bundy, on House bill 61.....	480
Veatch, on Senate bill No. 7.....	481
Veatch, on House bill 189.....	481
Woodhull, on House bill 191.....	483
Bundy, on House bills 168, 167.....	483
Veatch, on House bill 98.....	484
Woodhull, on House bill 161.....	484
Bingham, on House bill 177.....	485
Cason, on House bill 188.....	485
Veatch, on House bill 182.....	485
Bundy, on House bill 50.....	514
Cason, on Joint Resolution 22.....	524
Woodhull, on House bill 99.....	547
Edson, on House bill 58.....	569
Bundy, on House bill 84.....	570
Woodhull, on Senate bill 11.....	574
Veatch, on House bill 169.....	574
Veatch, on House bill 205.....	575
Cason, on House bill 92.....	575
Veatch, on House bill 108.....	576
Jones, of Vermillion, on House bills 38, 74, 128.....	607
Heffren, on House bill 208.....	622
Bundy, on House bills 237, 203.....	623
Gresham on House bill 207.....	623
Jenkinson, on House bill 268.....	624
Gresham, on Senate bill No. 5.....	624
Edson, on House bill 206.....	626
Woodhull, on House bill 227.....	626
Heffren, on House bill 35.....	627
Woodhull, on House bill 214.....	627
Heffren, on House bill 20.....	627
Cason, on House bill 58.....	628
Bingham, on House bill 210.....	628
Bingham, on Resolution of.....	629
Gresham, on House bill 291.....	629
Veatch, on House bill 236.....	629
Veatch, on House bill 280.....	630
Cason, on House 315.....	656
Bundy, on Senate bill 116.....	656
Edson, on House bill 245.....	657
Gresham, on Senate bill 104.....	657
Edson, on House bills 220, 316.....	658
Edson, on House bill 281.....	658
Bingham, on House bill 288.....	659
Bingham, on Senate Joint Resolution No. 5.....	659
Veatch, on House bill 235.....	660
Heffren, on Senate bill 39.....	728
Woodhull, on House bill 252.....	728
Jenkinson, on House bill 289.....	728
Bundy, on House bill 275.....	729
Jenkinson, on House bill 234.....	729
Heffren, on House bill 293.....	730
Woodhull, on House bill 300.....	730
Gresham, on House bill 303.....	780
Cason, on House bill 304.....	731
Bundy, on House bill 60.....	731
Edson, on House bill 196.....	732

REPORTS FROM THE JUDICIARY COMMITTEE—Continued.

Jenkinson, on House bills 192, 196.....	732
Gresham, on House bill 192.....	734
Bingham, on House bill 258.....	735
Bingham, on Senate bill 36.....	735
Bingham, on House bill 308.....	736
Gresham, on House bill 302.....	736
Veatch, on House bill 322.....	737
Veatch, on House bills 174, 222.....	738
Gresham, on House bill 92.....	738
Cason, on House bills 250, 175.....	739
Woodhull, on House bill 313.....	740
Heffren, on House bill 133.....	766
Cason, on House bill 38.....	770
Bundy, on House Joint Resolution 36.....	771
Woodhull, on House bills 253, 276, 278.....	772
Veatch, on House bill 294.....	799
Veatch, on House bill 26.....	802
Stotsenburg, on House bill 295.....	970
Bundy, on House bill 32.....	973
Veatch, on House bill 195.....	975
Veatch, on House bill 349.....	977
Cason, on House bill 213.....	1042
Veatch, on House bill 184.....	1042
Veatch, on House bill 181.....	1043
Veatch, on Senate bill 106.....	1043
Veatch, on numerous House and Senate bills unexamined.....	1043

REPORTS FROM THE COMMITTEE ON MILITARY AFFAIRS—

By Mr. Gresham, on House bill 105.....	630
Gresham, on Senate bill 205.....	802

REPORTS FROM THE COMMITTEE ON ORGANIZATION OF COURTS—

By Mr. Stotsenburg, on House bill No. 3.....	246
McLean, on House bill No. 8.....	245
Stotsenburg, on House bill 50.....	286
Bingham, on House bills 22, 58.....	301
Bingham, on Resolutions of House.....	302
Jones, of Tippecanoe, on House bill 86.....	328
Newman, on House bill 79.....	353
Stotsenburg, on House bill 118.....	472
Parrett, on House bill 127.....	473
Newman, on House bill 101.....	473
McClurg, on Resolution of House.....	474
Bingham, on House bills 155, 165.....	474
Bingham, on House bill 185.....	475
McLean, on House bill 151.....	494
Newman, on House bill 245.....	578
Stotsenburg, on House bill 263.....	661
Bingham, on House bills 240, 301.....	702
Newman, on House bills 244, 233, 248.....	703
Parrett, on House bills 183, 201.....	704
Stotsenburg, on House bill 153.....	726
McLean, on Resolution of House.....	727
McClurg, on House bill 286.....	727
Newman, on House bill 251.....	742
Newman, on House bill 241.....	797
Jones, of Tippecanoe, on House Resolution.....	803

REPORTS FROM THE COMMITTEE ON PUBLIC EXPENDITURES—

By Mr. Robbins, on Sheriffs' mileage.....	198
Lane, on complying with rule of House.....	209
Smith of Bartholomew, on House bill 161.....	281
Nebecker, on fees and salaries.....	719
Nebecker, on report of Agent of State.....	975

REPORTS FROM THE COMMITTEE ON RIGHTS AND PRIVILEGES—

By Mr. Orr, on resolutions of House.....	188, 190, 247, 421
Hurd, on House bill 25.....	185
Lee, on House bill 49.....	188
Hurd, on petition from Orange county.....	189
Prosser, on resolutions of the House.....	189
Prosser, on House bills 26 and 40.....	189
Orr, on petition from W. E. Ethel and others.....	231
Smith of Bartholomew, on House bill 63.....	247
Smith of Bartholomew, on petition from City of Madison.....	248
Sherman, on House bill 84.....	248

REPORTS FROM THE COMMITTEE ON RIGHTS AND PRIVILEGES—Continued.

Lee, on House bill 65.....	218
McClurg, on resolution of the House.....	249
Orr, on House bill 76.....	249
McClurg, on House bill 60.....	302
Orr, on petition of Denny and others.....	328
Sherman, on House bill 87.....	358
McClurg, on House bill 140.....	359
Sherman, on House bill 97.....	359
Hurd, on House bill 116.....	359
McClurg, on House bill 86.....	360
Orr, on House bill 135.....	362
Smith of Bartholomew, on petition from Wayne County.....	419
Smith of Bartholomew, on Senate bill 19.....	420
Hurd, on House bill 179.....	422
Prosser, on House bill 179.....	475
Lee, on House bill 157.....	476
Orr, on petition from Fountain County.....	476
Orr, on House bill 171.....	477
Hurd, on House bill 148.....	477
Smith of Bartholomew, on House bill 32.....	477
Sherman, on House bill 173.....	513
Sherman, on Senate bill 79.....	574
Lee, on report of Attorney General.....	579
Hurd, on petition of S. H. Boyd.....	708
Lee, on House bill 284.....	708
Lee, on House bill 279.....	709
Sherman, on House bill 270.....	710
Smith of Bartholomew, on House bill 290.....	710
Orr, on House remonstrance of Capt. Kitchen and others.....	777
Sherman, on House bill 215.....	1038
Orr, on petition of A. Greenman and others.....	1038
Smith of Bartholomew, on House bill 136.....	1039
McClurg, on resolution of House.....	1041

REPORTS FROM THE COMMITTEE ON ROADS—

By Mr. Wells, on resolutions of House.....	371, 372
Wells, on House bill 103.....	372
Holcomb, on resolutions of House.....	372
Holcomb, on House bill 96.....	373
Randall, on House bill 170.....	393
Wells, on House bill 193.....	710
Wells, on House bill 321.....	777
Prow, on House bill 55.....	805
Wells, on House bills 141, 267, 271.....	805
Randall, on petition of Hendricks County.....	1066

REPORTS FROM SELECT COMMITTEES—

By Mr. Branham, on rules of the House	13
Orr, on prayer.....	27
Jones of Vermilion, on Committee on Stationery.....	27
Jones of Vermilion, on Committee on Stationery.....	42
Robbins, on Newspapers.....	75
Heffren, on raising National Flag.....	91
Holcomb, on House bill 12.....	103
Heffren, on Statutes.....	124
Jones of Vermilion, on Stationery.....	131
Bundy, on Federal Relations, Com. of 13.....	145
Heffren, on National Flag.....	147
Woodhull, on House bill 36.....	199
Packard, on Insurance Companies.....	209
Jones of Vermilion, on House bill 51.....	252
Cameron, on invitation to President of U. S.....	254
Bundy, on Committee of Thirteen on Joint Resolutions.....	268
Heffren, on minority report of Committee of Thirteen.....	269
McLean, on minority report from same Committee.....	289
Collins, on resolutions of House.....	302
Orr, on Senate bill 74.....	345
Crain, on House bill 122.....	373
Jones of Wayne, on House resolution.....	497
Bryan, on fencing Tippecanoe Battle Ground.....	498
Jenkinson, on contempt of Wm. P. Bagget.....	575
Robbins, on resolution of House.....	578
Veatch, on House bill 143.....	583
Smith of Bartholomew, on House bill 161.....	614
Williams, on Senate bill 177.....	655
Branham, on State debt.....	725
Holcomb, on House bill 150.....	726
Dobbins, on House bill 60.....	732
Bundy, on House bill 198.....	781

REPORTS FROM SELECT COMMITTEES—Continued.

By Mr. Cameron, on House bill 285.....	808
Ford on Senate bill 93.....	960
Hayes, on House bill 93.....	1038
Bundy, on Federal relations.....	1039
Branham, on communication with Governor.....	1044
Hefren, on Prison Investigating Committee.....	1047

REPORTS FROM THE COMMITTEE ON STATE PRISON—

By Mr. Jones, of Vermillion, on House resolutions.....	281
Burgess, on joint report.....	853
Jones, of Vermillion, on condition of prisons.....	877

REPORTS FROM THE COMMITTEE ON SWAMP LANDS—

By Mr. Moody, on petition from Washington County.....	236
Moody, on House resolution.....	705
Moody, on House bill 204.....	773

REPORTS FROM THE COMMITTEE ON TEMPERANCE—

By Mr. Bryant, on petition from Susan B. Hunt and others.....	497
Jones, of Tippecanoe, on memorial of Sons of Temperance.....	718, 719

REPORTS FROM THE COMMITTEE ON WAYS AND MEANS—

By Mr. Branham, on special message of Governor.....	133
Fisher, on resolution of House.....	246
Jones, of Wayne, on resolution of House.....	351
Fordyce, on petition from Adams County.....	351
Gifford, on House bill 17.....	350
Branham, on House bill 132.....	469
Jones, of Wayne, on House bill 164.....	469
Fisher, on House bill 145.....	470
Branham, on resolution of House.....	547
Gifford, on petition of citizens of Franklin County.....	548
Fordyce, on House bill 266, 194, 200.....	669
Gifford, on House bill 211.....	670
Branham, on House bill 247.....	671
Gifford, on House bill 257.....	725
Branham, on House bill 242.....	740
Jones, of Wayne, on resolution of House.....	741
Branham, on House bill 336.....	851
Branham, on report of Committee on Benevolent Institutions.....	1037
Branham on public expenditures.....	1045

REPORTS FROM COMMITTEE OF THE WHOLE—

By Mr. Nebeker, on House bill 84.....	342
McLean, on House bill 39.....	463
McLean, on House bill 39.....	467
Bundy, on House bill 84.....	519
Hefren, on House bill 61.....	662
Hefren, on House bill 61.....	663

RYAN, RICHARD J.—

Called House to order.....	3
Appropriation to.....	918

ROBERTS, OMAR F.—

Appeared and was qualified.....	4
Bills by.....	41, 49, 161, 227, 303, 386, 394, 499, 768
Resolutions by.....	112, 136, 172, 306, 567
Motions by.....	285, 472, 503, 564, 675, 764
Petitions by.....	260, 262, 317, 567

RANDALL, JOSHUA R.—

Appeared and was qualified.....	4
Resolutions by.....	84, 172
Bills by.....	667
Motions by.....	977

REPORTERS, NEWSPAPERS—

Allowed seats on floor of House.....	46
--------------------------------------	----

RAGAN, REUBEN S.—

Appeared and was qualified.....	4
Resolutions by.....	105, 159, 241
Motions by.....	330, 743, 1015
Bills by.....	303
Petitions by.....	592

RYSINGER, NAPOLEON B.—

Voted for for Clerk.....	4
--------------------------	---

RULES OF HOUSE.....	13
---------------------	----

ROBBINS, ———

Resolutions by.....	28, 86, 115, 154, 157, 158, 201, 367, 581
Petitions by.....	215, 392, 455

S

SMITH, FRANCES P., (of Bartholomew)—

Appeared and was qualified.....	3
Resolutions by.....	238, 242, 262, 1072, 1073
Bills by.....	256, 259
Motions by.....	22, 111, 151, 160, 177, 277, 349, 611

SLOAN, WILSHIER W.—

Appeared and was qualified.....	3
Resolutions by.....	113, 223, 385, 1070

STOTSENBURGH JOHN H.—

Appeared and was qualified.....	4
Motions by.....	11, 26, 71, 126, 150, 184, 192, 193, 243, 272, 273, 282, 284, 293, 307, 315, 319, 330, 335, 342, 357, 358, 429, 452, 521, 521, 530, 551, 562, 563, 581, 586, 589, 591, 594, 647, 676, 680, 709, 741, 748, 763, 765, 766, 771, 793, 797, 815, 818, 821, 920, 922, 953, 981, 982, 992, 10, 53, 109, 154, 159, 171, 272, 454, 581, 1070, 1073
Resolutions by.....	67, 228, 374, 377, 585, 597, 899
Bills introduced by.....	245, 306, 505, 566, 568, 598, 622
Petitions by.....	

STEPHENSON JOHN—

Appeared and was qualified.....	4
Bills by.....	41, 597
Resolutions by.....	173

SHERMAN MASON G.—

Appeared and was qualified.....	4
Motions by.....	6, 41, 146, 358, 798
Resolutions by.....	13, 509
Bills by.....	256, 798

SPEAKER OF THE HOUSE OF REPRESENTATIVES—

Cyrus M. Allen elected.....	5
Returned thanks.....	5
Rules relating to.....	15
Laid before House message of Governor.....	39
Laid before House communications from Auditor of State.....	49
Made announcement relating to State election.....	59

SPEAKER OF THE HOUSE OF REPRESENTATIVES—Continued.

Opened election returns.....	60
Laid before House, Report from Doorkeeper.....	68
Laid before House, Report from Principal Clerk.....	68
Announced Select Committee of Thirteen.....	68
Announced Select Committee on Insurance.....	68
Presented Communication from Trustees of Wabash and Erie Canal	72
Laid before House, Reports of Bank of the State.....	76
Laid before House, Communication from Doorkeeper.....	80
Laid before House, Communication from Board of Commissioners on Benevolent Institutions	80
Appointed Committee to raise flag.....	82
Announced Order of Business.....	82
Laid before House, Message from Governor.....	93
Announced Standing Committees.....	96
Laid Communication from State Librarian.....	99
Announced Committee to invite President.....	109
Laid before House, Communication from Auditor of State.....	129
Announced Select Committee on Public Printing.....	143
Laid before House, Communication from Superintendent of Public Instruction.....	143
Appointed Committee on Frasier's Resolution.....	147
Laid before House, Communication from Sinking Fund Commissioners.....	193
Announced Committee under Mr. Hayes' Resolution.....	199
Laid before House, Communication from Warden of State Prison.....	282
Announced Select Committee on Senate bill 74.....	291
Laid before House, Communication from Auditor of State.....	304
Announced Committee under Brett's Resolution.....	389
Laid Report of Branch Bank at Terre Haute.....	421
Laid before House, Communication from Attorney General.....	534
Announced Committee on Swamp Land Investigation.....	1074
Announcing Committee on Investigating State Offices.....	1074
Declared House adjourned <i>sine die</i>	1076

SENATE—

Appeared in Hall of House.....	59, 94, 117, 165, 821, 903
--------------------------------	----------------------------

STATE PRINTER—

B. R. Sulgrove elected.....	165
Joseph J. Bingham voted for.....	165

SUPERINTENDENT OF PUBLIC INSTRUCTION—

Communication from.....	143, 383, 406, 462
-------------------------	--------------------

SMALL, GILBERT REV.—

Selected to open General Assembly with prayer.....	27
--	----

T

TRIER, CONRAD—

Appeared and was qualified.....	3
---------------------------------	---

THOMPSON, THOMAS—

Appeared and was qualified.....	3
Resolution by.....	159
Bills by.....	377

TURNER, JAMES H.—

Appeared and was qualified.....	4
Resolutions by.....	87, 110, 568
Bills by.....	122, 161
Petitions by.....	260

THOMAS, GEORGE—

Appeared and was qualified.....	5
Resolutions by.....	56

TRUSTEES OF WABASH AND ERIE CANAL—

Report from.....	72
One elected.....	120

UNDERWOOD, ISAAC—

Appeared and was qualified.....	4
Resolutions by.....	172, 598
Bills by.....	259, 510
Petitions by.....	337

V

VEATCH JAMES C.—

Appeared and was qualified.....	5
Resolutions by.....	25, 49, 54, 87, 107, 131, 159, 997
Motions by.....	99, 272, 341, 343, 422, 459, 461, 465, 562, 571 648, 679, 681, 793, 796, 850, 874, 914, 1001
Petitions by.....	102, 607
Bills by.....	116, 304, 333, 377, 393, 508, 603, 769

W

WARRUM, NOBLE—

Appeared and was qualified.....	4
Resolutions by.....	70, 81, 87, 166
Bills by.....	89, 609

WILSON, J. CRAIG—

Appeared and was qualified.....	4
Bills by.....	51, 650
Resolutions by.....	223

WOODS, BARTLETT—

Appeared and was qualified.....	4
Resolutions by.....	57, 86, 109, 158, 219, 374, 509
Motions by.....	84, 902, 509
Bills by.....	117, 333, 287
Petitions by.....	245, 326, 505

WILLIAMS, HUGH T.—

Appeared and was qualified.....	4
Bills introduced by.....	27, 49, 42, 79, 82, 160, 304, 333, 379, 391
Resolutions by.....	104, 113, 135, 169, 173
Motions by.....	544, 586, 920

WELLS, ANDREW J.—

Appeared and was qualified.....	4
Bills by.....	95
Resolutions by.....	172
Petitions by.....	203, 245, 292

WOODHULL, JOSEPH A.—

Appeared and was qualified.....	5
Bills by.....	73

S. J.—70.

WOODHULL, JOSEPH A.—Continued.

Bills by.....	73
Resolutions by.....	74, 104, 154, 241, 510, 514
Motions by.....	133, 143, 163, 178, 341, 486, 500, 533, 694
Petitions by.....	54, 170, 326, 378, 494

WOODRUFF, ISRAEL—

Appeared and was qualified.....	5
Resolutions by.....	87, 106
Petitions by.....	150, 171, 248

WRIGHT, JOSEPH A.—

Voted for for U. S. Senator.....	93
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Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
1	A bill defining certain felonies and misdemeanors, and prescribing punishment therefor, and providing for certain evidence on the part of the State.....	9	9, 126, 127, 263, 264, 265, 317, 318	318	536	332, 536, 537, 563	425	Branham.
2	A bill declaring it to be a felony to open gates, or let down fences, or destroy cattle grounds along the line of railroads, and providing penalties therefor.....	27	27, 127, 266					Williams.
3	A bill to amend the 14th section of an act, entitled "An act to fix the times of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1850, so as to provide for the holding of said Common Pleas Court in the county of Newton.....	40	40, 127, 246, 306, 504	504	762	761, 762, 788	769	Cameron.
4	A bill to amend sections 70 and 91 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st 1852.....	41	41, 127, 152, 518					McLean.
5	A bill limiting the power of the Board of County Commissioners in the assessment and levy of taxes.....	41	41, 127, 128, 267, 268, 464, 500	501		514, 545, 559, 569, 616, 617		Jenkinson.
6	A bill to amend section 1 of an act, entitled "An act to provide for electing electors for President and Vice-President of the United States," approved May 20th, 1852.....	41	41, 128, 230					Roberts.
7	A bill to amend the thirteenth section of an act, entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14th, 1852.....	41	41, 128, 204					Stevenson.
8	A bill providing for the allowance of compensation to clerks of the Circuit and Common Pleas Courts and sheriffs for extra services, and to repeal all laws inconsistent therewith.....	41	41, 138, 219, 329, 340, 345, 501, 502, 503	502	1006	1015	1066	Nebecker.
9	A bill to amend section one hundred and forty-eight of an act providing for the settlement of decedents' estates, prescribing the rights, liabilities, and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement, approved June 17th, 1852.....	41	41, 138, 208, 302, 517-8					Edson.

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
10	A bill authorizing County Libraries to loan certain funds, and regulating the same.	42	42, 138, 472, 893	893	955	1002	1006	Kendrick.
11	A bill providing for rebuilding and repairing division fences along the line of railroads.	42	42, 139, 366					Williams.
12	A bill to amend the third section of an act, entitled "An act to amend the third section of an act, entitled an act to establish a Court of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof."	43	43, 90, 103					Holcomb.
13	A bill to provide for refunding Saline Funds to persons who have erroneously paid the same to the treasurer of such funds.	43	43, 139, 265, 306, 711, 742					Black.
14	A bill making provision for the refunding of money illegally collected, under an act, entitled "An act concerning license to vend foreign merchandise, to exhibit any caravan, menagerie, circus, rope and wire dancing, puppet show and legerdemain," approved June 15th, 1852.	43	43, 139, 504, 612	612				Allen.
15	A bill to amend section one of an act, entitled "An act concerning interest on money."	44	44, 139, 338					Packard.
16	A bill to amend section second of an act, entitled "An act concerning the organization of voluntary associations, and repealing former laws in reference thereto," approved February 12th, 1852.	44	44, 139, 367, 405, 480, 895	896	979	998	999	Hopkins.
17	A bill regulating the public printing of the State of Indiana, providing for letting the same to the lowest bidder, and also for the purchasing of all papers and stationery from the lowest bidder, providing for the publication of the same and journals, &c., of the General Assembly.	46	48, 139, 351, 476, 504, 641, 642					Hoffren.
18	A bill to repeal an act, entitled "An act to amend the first section of an act, entitled an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained, approved March 5th, 1853.	48						Erwin.
19	A bill to amend section 33 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with	48	48, 139, 140					

20	or without written endorsement, shall be commenced without the county of the makers residence.....	49	49, 149	Prosser.
21	A bill to amend section 238 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.....	49	49, 140, 628	Roberts.
22	A bill to amend an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings, and forms in civil cases in Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852.....	50	50, 110, 266	Moss.
23	A bill to repeal an act, entitled "An act to establish Courts of Conciliation, to prescribe rules, practice and proceedings therein, and the compensation of Judges.....	50	50, 140, 301, 372, 675	McClurg.
24	A bill to amend section 23 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and for other purposes therein named," approved June 21st, 1852.....	51	51, 140, 361	Wilson.
25	A bill to prevent the emigration of voters from one county in this State to another, and from one township to another, for the purpose of influencing or carrying the election in such other county, prescribing penalties against persons aiding, abetting, counselling or engaging therein, and for the preservation of the purity of the ballot box.....	52	52, 141, 230	McLean.
26	A bill to repeal an act, entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 24th, 1857.....	52	52, 141, 188, 388	Holcomb.
27	A bill to amend the 4th section of an act, entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 24th, 1857.....	52	52, 141, 189	Cameron.
28	A bill fixing the compensation of the Speaker of the House of Representatives.....	53	53, 141, 356, 357, 358	Bundy.
29	A bill to amend the first section of an act, approved May 27th, 1852, entitled "An act concerning interest on money,".....	57	57, 149	Nebeker.
30	A bill to create the Sixteenth Judicial Circuit.....	57	57, 141, 142	Kendrick.
31	A bill to amend the 78th section of an act, entitled "An act to revise, simplify and abridge the rules, practice and forms in criminal actions in the Courts of this State," approved June 17th, 1852.....	67	67, 142, 348, 681	Stotsenburg.
	A bill to repeal section fifteen of an act, entitled "An act concerning promissory notes and bills of exchange," approved May 12th, 1852, and also, to repeal sections 381 and 445 of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18th, 1852, and to provide a uniform rule for the sale of property upon execution and other process.....	69	69, 142, 317	Frazier.

BILLS OF THE HOUSE.—Continued.

1110

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
32	A bill to provide for the rights of married women in cases of the sale of lands on execution, or by virtue of any judicial proceedings, and in all cases where the wife does not consent to the sale.	69	69, 142, 477, 973					Bundy.
33	A bill to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, or pursuant to the provisions of mortgages or deeds of trust, or by the joint exercise of those authorities, and to enable them to organize corporations, and to exercise corporate and other powers.	69	69, 142, 298, 299, 675					McLean.
34	A bill authorizing any or all persons to part combatants and prevent any affray, assault and battery, or other breach of the peace, and prescribing the punishment to any person who will hinder or prevent in any way any one in separating combatants, or in preventing the violation of the peace.	70	70, 142					Orr.
35	A bill to amend section two hundred and thirty-eight of an act, entitled "An act to revise, simplify, and abridge the rules, practices, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity, so as to admit parties in civil actions to testify on their own behalf," approved June 18th, 1852.	71 73	71, 143, 265, 627 72, 113, 199, 302, 674					Cason. Woodhull.
36	A bill for the relief of the heirs of Michael O'Brien, deceased.	71	71, 143, 265, 627					
37	A bill to amend section five of "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5th, 1859, and to allow the Board of County Commissioners to make appropriations for school-house sites, and for the erection and repair of school houses.	73	73, 144, 1044					Edson.
38	A bill entitled "An act to amend sections 2, 4, 5, 6, 8 and 11 of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties thereof," approved March 5th, 1859.	74	74, 144, 145, 607 [342, 462, 467, 468]					Buckner.
39	A bill to authorize the formation of new counties and to change county boundaries, and to repeal all laws inconsistent therewith.	78	78, 148, 191, 192, 340, 341, 468		687	687, 688, 689	752	Nebecker.

40	A bill to amend the third section of an act, entitled "An act to provide for the protection of wild game, defining when the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.....	79	79, 166, 189				McChurg.
41	A bill to amend the 12th section of an act, entitled "An act to authorize the construction of levees and drains," approved June 12, 1852.....	79	79, 166, 206, 207, 302, 616				Newman.
42	A bill to authorize the Gibson County Circuit Court to hear testimony and make a decree in reference to the erection and sale of the County Seminary of said county.....	79	79, 166, 611	611	921	920, 925, 928	Holcomb.
43	A bill to repeal an act, entitled "An act regulating the license of pilots at the Falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed persons from acting as such pilot; providing for the compensation of such pilots and the revocation of their license," approved June 18, 1852; also to repeal an act amendatory thereof, entitled "An act to amend section third of the above entitled act," approved December 22, 1838.....	79	79, 167, 1644				Williams.
44	A bill to amend the first section of an act, entitled "An act to provide for the management and disposal of the estates of persons who have absented themselves from their usual place of residence, and gone to parts unknown," approved March 5, 1859.....	80	80, 167, 302, 540	540	955	956, 984	McLean.
45	A bill to regulate insurance companies not incorporated by the State of Indiana.....	82	82, 167				Williams.
46	A bill to legalize the acts and proceedings of certain special terms of the Circuit Court.....	88	88, 167, 302, 611	612			Grover.
47	An act supplemental to an act, entitled "An act regulating estrays and articles adrift," approved June 16, 1852.....	88	88, 168, 250				Collins of Adams.
48	A bill to amend the 20th section of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers thereto," approved March 5, 1859.....	89	89, 168, 230, 617, 618, 737				Black.
49	An act to prevent hogs running at large without a ring in the nose.....	89	89, 168, 188				Warrum.
50	A bill to repeal an act, entitled "An act to provide for the return of the Jury in the Common Pleas Court, at the third day of the term, approved March 5, 1859.....	89	89, 168, 286, 463, 514				Cameron.
51	A bill to fix the times for holding the Circuit Courts of the Eighth Judicial Circuit, and repealing all laws in conflict therewith.....	89	89, 169, 222, 306, 618, 708				Jones of Vermillion.
52	A bill to authorize justices of the peace to administer any oath required by law.....	89	89, 169, 392, 613	613			Collins of Whitley.
53	A bill to amend the sixth section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....						
54	A bill to repeal the one hundred and thirteenth, and one hundred and seventeenth sections of an act, entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and to es-	89	89, 169, 628				Gresham.

BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Introduced.	Proceedings Thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
55	Establish township libraries and for the regulation thereof," approved March 1, 1855.....	89	89, 169					Orr.
56	A bill to provide for the fencing across county and township roads, and to provide other remedies.....	90	90, 169, 281, 805					Ferguson.
57	An act to repeal an act prescribing the duties and fixing the compensation of State Agent.....	90	90, 175, 207					Hefren.
58	A bill to amend the first, second, third, fifth and sixth sections of an act entitled "An act to provide for the re-location of county seats, and for the erection of public buildings in counties in case of such re-location.....	95	95, 175, 176, 365					Wells.
59	A bill to repeal an act, entitled "An act to amend section forty-two of an act, entitled an act to establish Courts of Common Pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852, so as to regulate the docketing and disposal of the business thereof, approved March 5, 1859.....	95	95, 176, 301, 358, 569					Cameron.
60	A bill to amend section first of an act, entitled "An act to fix the time of holding the Common Pleas Court in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent herewith," approved March 5, 1859.....	103	103, 104, 137	137	158	194, 216	216	Holcomb.
61	A bill providing for the deposit of bonds and freehold securities by the several railroad companies of this State, with the County Auditors of the counties in which the principal offices of such railroad companies are situate, and with the auditor of Knox county, within this State, and declaring the conditions thereof, and prescribing the penalties for failing to comply with the provisions of this act, and giving owners of stock killed by such railroads a lien upon said securities.....	115	[752, 753, 765, 766, 1043 115, 176, 177, 302, 563, 731,					Dobbins.
62	A bill defining who shall be qualified voters at district school meetings, and in the selection of district director, and in the selection and dismissal of school teachers, and repealing all laws or parts of laws in conflict with this act.....	115	[790, 792, 793 115, 177, 426, 662, 636, [561, 562, 563, 651, 652					Orr.
63	A bill to authorize the Bank of the State of Indiana to lay off and create five additional Bank Districts, and to locate and establish branches therein	116	116, 177, 178, 262, 343, 456, [672, 673	653	989		1017	Veatch.
	A bill to repeal "An act to prevent carrying concealed or dangerous weapons, and to provide punishment therefor....."	116	116, 178, 247, 281, 306					Prosser.

64	A bill authorizing aliens to hold lands in the State of Indiana by purchase or otherwise.	116	116, 179, 480, 678	679	960	679, 983	998	Brucker, Heffren.
65	A bill to repeal an act entitled "An act touching gaming contracts."	116	116, 179, 248					
66	A bill to amend section four hundred and seventy-six of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."	116	116, 179, 267, 281, 388					Atkinson.
67	A bill in relation to fences along railroad lines, and to killing stock on railroads.	116	116, 179, 250					Polk.
68	A bill to amend section 466 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." Approved June 18, 1852.	116	116, 179, 266					Howard.
69	A bill to amend an act providing for serving process upon the officers, directors, attorneys or agents of any railroad company. Approved March 4, 1853.	117	117, 180, 302, 615	616				Jobbins.
70	A bill supplemental to section one of an act providing for the election or appointment of supervisors of highways, &c. Approved June 18, 1852.	117	117, 180, 303					Packard.
71	A bill to amend section fourteen of an act defining misdemeanors, and prescribing punishment therefor. Approved June 14, 1852.	117	117, 180, 286, 306, 671					Wood.
72	A bill for the recovery of personal property, providing for an execution against the body, and repealing all acts in conflict therewith.	120	120, 180, 376, 718	719				Crain.
73	A bill to provide for the collection, safe keeping and disbursement of public money.	121	121, 180, 338					Heffren.
74	A bill to amend the fifth section of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof." Approved March 5, 1853.	121	121, 182, 607					Brett.
75	A bill to amend the four hundred and twelfth section of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity." Approved June 18, 1852.	121	121, 182, 266					McClurg.
76	A bill to amend section one of an act authorizing County Recorders and County Surveyors to issue fee bills.	122	122, 182, 249, 306, 619	619				Black.
77	A bill to amend the sixth section of an act entitled "An act to incorporate the St. Joseph Iron Company," and to repeal the seventh, eighth, ninth, tenth, eleventh and twelfth sections thereof. Approved January, 22, 1855.	122	122, 182, 368, 695	696	955	983	998	Henricks.
78	A bill to authorize the Board of Commissioners to exempt the property of widows from taxation, when it does not exceed three hundred dollars in value.	122	122, 182, 183, 230					Lee.
79	A bill to amend an act entitled "An act to provide for the appointment of a Sheriff of the Supreme Court, and prescribing certain of his duties and							

BILLS OF THE HOUSE.—Continued.

1114

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
80	fees," approved May 13, 1852, and to repeal all laws inconsistent therewith.....	122	122, 183, 198, 353					Turner.
81	A bill to prevent the migration from any other State, or from one county or township in this State, for the purpose of voting, influencing or carrying elections in such other county or township, and prescribing penalties against persons so engaged, and against persons aiding, abetting, counseling, or in any manner engaged therein, and to repeal the act approved March 6, 1857, on the same subject.....	122	122, 183, 230					Jones, of Tippeco.
82	A bill to quiet the title to a piece of ground in Vanderburg county, known as the east half of out-lot No. 5, according to the plan of out-lots laid out by Robert M. Evans, on part of the north-west quarter of section No. 29, in township 6 south of range 10 west.....	122	122, 183, 302, 613	614	954	973	908	Hopkins.
83	An act to amend the seventh section of an act entitled "An act to incorporate the South Bend Manufacturing Company, and to repeal the ninth section of the same," approved December 28, 1842.....	123	123, 183, 184, 368, 744	745	954	973		Henricks.
84	A bill to provide for a general system of common schools, the officers thereof, and their respective powers, duties, and matters properly connected therewith, and to establish township libraries and for the regulation thereof.....	123	123, 124					Heffren.
85	A bill regulating interest on money, and to repeal an act entitled "An act concerning interest on money," approved May 27, 1852, and all other laws also or parts of laws in conflict with this act.....	124	124, 184, 248, 342, 518, 531, 532, 533, 534, 570, 571, 870	572	871	871, 887, 907	908	Orr.
86	A bill to amend the title of an act entitled "An act to provide for the erection and repair of bridges," and to repeal an act to provide for the erection and repair of bridges," Approved March 3, 1855.....	160	160, 184, 337					Williams.
87	A bill to amend section eight and ten of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers, and duties in civil cases," Approved June 9, 1852.....	161	161, 186, 187, 328, 329, 330, 361, 361	362	976	362, 976, 1002, 1019	1006	Moss.
88	A bill exempting all personages from taxation, and repealing all laws in conflict with this act.....	161	161, 307, 358, 743					Orr.
	A bill to repeal section thirteen of an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.....	161	161, 307, 350					Packard.

89	A bill to amend the ninth section of an act entitled "An act to amend an act to authorize and regulate the business of General Banking in the State of Indiana, so as to make a copy of the certificate of the Auditor of State a sufficient cause of action, and the certificate itself a prima facie evidence in suit against banking associations and individual stockholders thereof, or either or any of them, in certain cases therein named....."	161	161, 307, 353, 747, 748	748		Robertis.
90	A bill to provide for the registering of voters, to prevent corruption at elections, and to define what is the residence of voters.....	161	161, 308, 392, 403			Turner.
91	A bill to amend an act approved January 27, 1847, entitled an act to amend an act entitled an act to incorporate the Eel River Seminary Society, approved January 1, 1829, and for other purposes, to amend the second section of said act, to repeal the third, fifth and eighth sections, to clothe said Society with additional powers, to provide for the increase of stockholders, the election of five trustees or sole managers of the affairs of said Society, and their term of office, and the effect of a failure to elect, and to confirm the act of the Board of Commissioners of Cass county in releasing to the stockholders of said Society all the interest of said county in the Society's property and revenues, and releasing all claims of the State thereto, and releasing the corporation from the operation of the act requiring the sale of County Seminaries, and legalizing the proceedings of said corporation.....	161	161, 319, 367, 747	747	1018	Knowlton.
92	A bill prescribing the duties of Clerks, Justices, Auditors and Treasurers in reference to jury fees, fines, forfeitures and unclaimed fees, and repealing all laws in conflict herewith.....	162	162, 308, 575, 738		1066	Gifford.
93	A bill to apportion Senators and Representatives for the next six years....	162	162, 308, 1038			Collins.
94	A bill touching the salaries of Common Pleas Judges, and apportioning the payment of the same among various counties of the State.....	174	174, 309, 368, 675			McLean.
95	A bill for the protection of the people against incompetency of pretended physicians and surgeons, by establishing a Board of Medical Examiners, prescribing the duties of such Board, and fixing their compensation; and also prescribing who may practice medicine and surgery within this State, and fixing a penalty for the violation of this act.....	174	174, 309			Hurl.
96	A bill to repeal sections two, three, four and five, and supplemental thereto, of "An act to provide for locating and working highways situated upon county lines....."	174	174, 309, 373, 748, 770			Atkinson.
97	A bill to amend the sixth section of an act, entitled "An act regulating the granting of divorces, nullification of marriages, and decrees and orders of Court in client thereto," approved March 13, 1852, and to repeal all laws conflicting with this act.....	174	174, 309, 359, 746, 747, 1043			Henricks.
98	A bill to amend section three of an act entitled "An act to require surviving partners to file inventories and appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, and supplemental to said act," Approved March 5, 1859.....	175	175, 310, 484			Atkison.
99	A bill to amend an act providing for the sale keeping of public money.....	175	175, 310, 547			Brucker.
100	A bill authorizing Township Trustees to assign certificates of purchase of Saline lands which were purchased with district school funds by the inhabitants of school districts in Congressional Townships for school house sites.....	175	175, 310, 495, 674	973	998	Black.

BILLS OF THE HOUSE.—Continued.

1116

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
101	A bill to repeal the second section of an act entitled "An act to amend the first section of an act providing for extending the term of Circuit Courts, by adjournment, when the pending business shall be unfinished," approved February 12, 1855, to authorize the Court or Judge to call and hold special terms, and to fix the compensation of the Judge for holding adjourned and special terms, and of Prosecuting Attorney's while in attendance upon the same." Approved Dec. 24, 1858.....	175	175, 310, 473, 1044					Jones, of Tippec.
102	A bill to amend the third and fourth sections of an act entitled "An act to provide for the protection of wild game, defining the time when the same may be taken or killed, and declaring the penalty for the violation of this act." Approved February 26, 1857.....	190	190, 310, 365, 676					Prosser.
103	A bill to provide for the erection and repair of any bridges across a stream forming the boundary line between two counties, and to repeal section seven of an act approved March 3, 1853, entitled "An act to provide for the erection and repair of bridges," approved May 12, 1852, and recommend the passage of the same.....	190	190, 311, 372, 533	539	921	920, 928	974	Grover.
104	A bill to provide for the deficiency in the treasury by a loan of seventy-five thousand dollars from the Commissioners of the Sinking Fund, and for the security and repayment of the same.....	193	193, 194, 195, 196	196	536		551	Branham.
105	A bill for the organization of the Indiana State Militia, prescribing duties of certain officers, providing for a military fund and its disbursement, for punishing failures, refusals and negligence in connection with the service, and for the repeal of all existing laws having reference to said militia.....	290	290, 311, 312, 630, 746, 768, 808, 824, 845, 846	846		848, 849		Gresham.
106	A bill to amend the thirteenth section of an act entitled "An act defining misdemeanors, and prescribing the punishment therefor....."	204	204, 313, 368, 676	677	980	984	999	Woodhull.
107	A bill to amend an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, and to provide a mode of taking down evidence in certain cases.....	207	207, 313, 368, 538	538				Veatch.
108	A bill to regulate the business of foreign insurance companies, corporations, associations, or individual underwriters of other nations or States, and the agent or agents thereof in the State of Indiana.....	209	[1019 209, 213, 314, 472, 576,					Packard.

109	A bill to regulate the business of insurance companies doing business under charters granted by the State of Indiana prior to the 17th day of June, 1852.	299	209, 314, 369	Packard.
110	A bill to amend section four of an act in relation to special elections, approved May 13, 1853.	224	224, 314, 392	Dobbins.
111	A bill to amend the sixth section of an act entitled "An act to amend an act to authorize and regulate the business of General Banking, which passed both Houses of the General Assembly of the State of Indiana, March 3, 1855, the objections of the Governor to the contrary notwithstanding."	224	224, 314, 353	Hays.
112	A bill to provide for the examination of the claim of Moorehead, Hall & Co. against the State of Indiana, and for the payment of the balance, if any, that may be due on said claim.	224	224, 314	Jones, of Tippec.
113	A bill to amend the second section of an act entitled "An act to provide for the election, and prescribing certain duties of Recorders," approved May 31, 1852.	225	225, 315, 350, 792	Erwin.
114	A bill to amend the first section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 20, 1852, so as to provide for the incorporation of companies to furnish motive power to carry on such business, or to supply any city or village with water.	225	225, 318, 368, 694	Packard.
115	A bill to amend an act entitled "An act supplemental to an act entitled an act to exempt property from sale in certain cases," approved February 17, 1852, approved March 5, 1853, Section 1.	225	225, 318, 340, 693	Burgess.
116	A bill to require the manufacturers and venders of copyright medicines or prescriptions commonly known as patent medicines, to label packages, bottles or boxes in which said medicines or prescriptions are contained, with the name and quantity of the various kind or kinds of medicines, articles or ingredients composing said composition of medicines.	225	225, 318, 359, 681	Cason.
117	A bill appropriating money to the State Board of Agriculture.	225	225, 318, 778, 779, 780, 781	Fisher.
118	A bill to authorize Judges of Circuit and Common Pleas Courts to make certain orders in vacation.	225	225, 310, 473, 894	Ford.
119	A bill concerning the State, county, township, and road tax of the counties of Jasper and Newton.	226	226, 278, 279, 306	Moody.
120	A bill to amend the first section of an act entitled "An act concerning interest on money," approved May 27, 1852.	226	226, 399	Bundy.
121	An act supplemental to "An act concerning county prisons," approved May 27, 1852, and to authorize the establishment of work houses, and the confinement of certain persons therein at labor.	226	226, 320, 581	Hefren.
122	A bill to organize a judicial district composed of the counties of Vermilion, Parke and Putnam, providing for the appointment and election of a Judge and District Attorney therefor, fixing the time of commencement and the duration of the terms thereof, making all writs, subpoenas, venire, rules and orders of Court, reports, recognizances, publication and process whatever, returnable thereto, and declaring when and how the same shall take effect.	227	227, 320, 373, 677, 746	Jones, of Verm'n.

BILLS OF THE HOUSE—Continued.

1118

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
123	A bill to authorize the owners of property in a town to vacate the lots, streets, alleys and squares therein.....	227	227, 320, 580					Jenkinson.
124	An act to cure certain defects where persons have acted as deputies under the Clerks of Circuit Courts by and with their consent in this State.....	227	227, 320, 347, 692	692				Edson.
125	A bill to provide for the prevention and punishment of frauds in elections.....	227	227, 320, 392					Kendrick.
126	A bill to amend the eighteenth, twenty-fifth and twenty-sixth sections of an act entitled "An act regulating decedents' estates, and the apportionments of estates," approved May 14, 1852.....	227	227, 321					Brucker.
127	An act to give the custody and control of the records and papers of the former Probate Courts of the different counties of this State to the Clerks of the Courts of Common Pleas, to make and certify transcripts of the same.....	227	227, 321, 473, 891	892				Gifford.
128	A bill to amend Sections three and five of an act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing the penalties for violations thereof," approved March 5, 1859.....	227	227, 322, 607					Roberts.
129	A bill to amend section 178 of the act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, duties and liabilities of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.....	228	228, 322, 370, 696	696				Bundy.
130	A bill to require certain pleadings in cases where corporations are parties to be sworn to.....	228	228, 322					Stotsenburg.
131	A bill to release the Trustees of the Walash and Erie Canal from their obligation to maintain part of said canal lying within the city of Evansville, in Vanderburg county, and to enable the city of Evansville to fill up the same and dispense with bridges across it.....	228	228, 322, 348					Hopkins.
132	A bill to amend the twenty-third section of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	228	228, 322, 469					Bryan.

133	1A bill in relation to witnesses, and to amend section 238 of article 13 of the act entitled "An act to revise, simplify and abridge the rules, practice and pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	228	228, 322, 766, 767, 795, 796	796	914	706, 807, 957	974	Allen.
134	A bill to amend the 476th section of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	229	229, 323, 326					Packard.
135	A bill to amend section six of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, so as to exempt from taxation the personal property of widows where the same does not exceed three hundred dollars in value.....	230	230, 323, 362, 680, 690	690	1011	693, 694, 1011, 1019, 1066, 1067		Edson.
136	A bill to protect fish and fisheries, and providing penalties for the violation of this act.....	231	231, 323, 368, 675, 777, 1039					Orr.
137	A bill to amend sections ninety-four and ninety-five of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	231	231, 323, 580					Grover.
138	A bill to repeal an act entitled "An act to amend an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate as properly pertains thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1850, declaring what laws are in force, and providing for the election of city officers.....	255	255, 324, 42 569					McLean.
139	A bill to enlarge the legal capacity of married women whose husbands are insane, and enable them to contract as if they were unmarried.....	255	255, 324, 371 57	692	1019	1037	1066	Jenkinson.
140	A bill to authorize the President of the Board of Sinking Fund Commissioners and President of the State Bank of Indiana to make deeds and satisfy mortgages in certain cases therein named.....	256	256, 324, 359, 673 59	674	756		590	Sherman.
141	A bill to amend the sixth and twentieth sections of an act entitled "An act providing for the election of supervisors of highways and prescribing certain of their duties," approved March 5, 1852.....	256	256, 324, 865					Anderson.
142	A bill to amend section fifty-one of an act defining misdemeanors and prescribing punishment therefor, approved June 14, 1852.....	256	256, 325, 368, 676					Edson.
143	A bill to amend the ninth section of an act regulating the fees of officers and repealing former acts in relation thereto.....	256	256, 325, 371, 488, 583,					Bundy.

BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Introduced.	Proceedings Thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
144	A bill to amend section ninety-four of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	256	256, 325, 579					Knowlton.
145	A bill to amend the thirty-third section of an act to provide for the valuation and assessment of real and personal property and for the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	256	256, 400, 470, 888	889				Smith of Bart.
146	A bill amendatory of and supplemental to an act entitled "An act to organize the militia, providing for the appointment and prescribing the duties of certain officers thereof," approved June 14, 1852, and repealing sections three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen and twenty of said act, and providing for a more perfect organization of the Indiana militia; for a military fund and its disbursement, for punishing failures and negligence of duty in the service, and for matters properly connected therewith.....	257	257, 312, 313, 708					Heffren.
147	A bill to amend section sixty-eight of an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857, empowering the Common Council, by a vote of two-thirds of its members, to improve streets and alleys without petition, upon notice, unless two-thirds of the property holders shall remonstrate.....	258	258, 400, 582					McLean.
148	A bill limiting the time within which prosecutions of crimes and misdemeanors must be commenced, and repealing laws inconsistent therewith.....	258	258, 400, 477					Parrett.
149	A bill providing for the election of a Surveyor General for the State of Indiana and prescribing certain duties.....	258	258, 400, 401, 478					Jones of Tip.

150	A bill providing for the election of County Surveyors, prescribing their duties and fees, and providing for appeals.....	258	258, 401, 478, 726, 789				Jones, of Tippeco, Prusser.
151	A bill to create the fourteenth Judicial Circuit.....	258	258, 401, 494				
152	A bill to amend section nineteen of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Court returnable to such terms," &c., approved March 5, 1859.....	258	258, 287, 306, 307, 308	308	456	486	Collins, Whitely, Smith, Bartholomew, Cason.
153	A bill to re-establish the second Judicial Circuit.....	259	259, 401, 726				
154	A bill to amend an act entitled "An act prescribing the powers and duties of Justices of the Peace in State prosecutions," approved May 29, 1852.....	259	259, 401, 404, 890	890			
155	A bill fixing the time of holding the Circuit Court in the thirteenth Judicial Circuit, regulating the length of the terms thereof, and repealing all laws in conflict therewith.....	259	259, 401, 474, 749, 898, 982	982	1037		Underwood.
156	A bill providing for the salaries and fees of Attorneys of the Common Pleas Courts; also, providing for the collection of such fees and repealing all former laws relating thereto.....	259	259, 401				Parrett.
157	A bill to repeal so much of an act entitled "An act to provide for equalizing the apportionment for taxation of the real property of the State of Indiana," approved May 28, 1852, as authorize holding district and State boards of equalization.....	259	259, 402, 476				Black.
158	A bill to amend the seventh section of an act entitled "An act regulating the fees of officers and repealing former acts in relation thereto," approved March 25, 1855.....	259	259, 407, 580				Polk.
159	A bill declaring it to be a misdemeanor to leave open gates, or let down fences, or destroy cattle guards along the line of railroads, and providing the penalty therefor.....	267	267, 407, 750	750	1037		Edson.
160	A bill to amend section one of an act entitled "An act prescribing certain misdemeanors punishable only by a Justice of the Peace," approved June 7, 1852.....	267	267, 408, 765	765			Collins, Whitely.
161	A bill to amend the eleventh section of an act entitled "An act to provide a treasury system for the State of Indiana, for the manner of receiving, holding and disbursing the public moneys of the State, and for the safe keeping of the public money," passed March 1, 1859.....	281	281, 408, 484, 611, 614, 615	615	756	849	Smith, Bartholomew.
162	A bill to amend the one hundred and seventh section as amended and approved March 5, 1859, of an act entitled "An act to provide for a general system of common schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and repealing all laws and parts of laws coming in conflict with this act....."	287	287, 408				Anderson, Bundy.
163	A bill to amend the first section of an act concerning interest on money.....	293	293, 408				
164	A bill to authorize the Auditor of State to loan the fund derived from estates without heirs.....	303	303, 408, 459				Davis.
165	A bill to amend section three of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repeal all laws inconsistent therewith," approved March 5, 1859.....	303	303, 408, 892				Black, Polk.
166	A bill in relation to dogs and all matters connected therewith.....	303	303, 409, 410, 496				

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
167	A bill concerning promissory notes, bills of exchange, bonds or other instruments in writing, signed by any person who promises to pay money or acknowledges money to be due, or for the delivery of any specific article, or to convey property, or to perform any stipulation therein mentioned, and repealing all laws in conflict therewith.....	303	302, 410, 483, 539	510	1013	1014, 1037	1006	Roberts.
168	A bill authorizing suits for alimony or the disposition of property in certain cases.....	304	304, 410, 483					Jones, Tippecanoe.
169	A bill to provide for changing the venue in civil actions; and for the appointment of another to preside when the Judge of the Court in which the action is pending is incompetent, and to repeal all other laws on the same subject.....	304	304, 410, 571					Veatch.
170	A bill to authorize the Boards of Commissioners of the several counties of this State to procure and preserve the history of the said counties, and to pay the expenses thereof.....	304	304, 410					Veatch.
171	A bill to amend the fifteenth section of an act entitled "An act concerning promissory notes and bills of exchange," approved May 12, 1852.....	304	304, 410, 477					Williams.
172	A bill to amend the first and second sections of an act entitled "An act prescribing the number and defining the powers and duties of constables," approved May 27, 1852.....	304	304, 410, 469					Kendrick.
173	A bill supplemental to an act entitled "An act supplemental to an act entitled an act to provide for the re-location of county seats and for the erection of public buildings in case of such re-location," approved March 2, 1855, so as to provide for the re-location of county seats and for the erection and preservation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a Court House, and when a deed has been executed to provide also for the transfer of any equitable title for the termination of action growing out of such re-location, and for the transfer of the former county property, approved December 22, 1858, so as to provide for the re-location of county seats in counties where no Court House has been erected, which have been formed out of the territory of another county, and for the transfer of the county officers' books, &c.....	332	332, 411, 513, 531, 618	619	672	888	908	Frasier.
174	A bill authorizing the organization of insurance companies in the State of Indiana.....	333	333, 411, 412, 738, 780					Williams.

175	A bill authorizing the killing of dogs that are found wandering away from their owners; to provide for the licensing of dogs within cities and towns, and to make allowance out of the county treasury to the owners of sheep that have been killed by dogs, and prescribing the duties of township assessors in certain cases.....	333	333, 412, 496	954	716, 717, 741, 742, 1002	Yeatch. Anderson. Moss.
176	A bill to license dogs, and providing for the payment of damages sustained in mauling or killing sheep by dogs.....	333	333, 412, 496, 548, 620, 648, 711, 715, 716	716		
177	A bill to regulate the remission of fines and forfeitures, and to repeal all laws conflicting with the provisions of this act.....	333	333, 412, 413, 485, 511			
178	A bill to amend sections two, three and fourteen of "An act to amend an act entitled an act to repeal all laws in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 3, 1857, and to provide a penalty upon city taxes remaining delinquent after the third Monday in March, A. D. 1859, approved March 1, 1859.....	333	333, 413, 724			Kendrick.
179	A bill regarding strays and articles adrift, and repealing all laws conflicting with the provisions of this act.....	333	333, 411, 422, 475			Woods.
180	A bill to amend the thirteenth section of an act to provide against the consequences ensuing or likely to ensue from the destruction of books, pamphlets, papers, records, or other writings of any county in this State, or of any Circuit, Probate, Commissioners' or other court of record therein, or filed with or in the legal custody of any officer of any county in this State, and to provide for the perpetuation of testimony relative to the same, and requiring new official bonds to be given in cases where the bonds of officers, executors, administrators and guardians have been destroyed.....	334	334, 414, 711, 712			Coopridge.
181	A bill to amend the seventeenth section of an act entitled "An act providing for the election and qualification of Justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 3, 1852, and repealing all laws in conflict therewith.....	334	334, 411, 1043			Ort.
182	A bill to amend sections one and three of an act entitled "an act relative to the salaries of public officers, and providing the manner of paying the same, and the manner of reimbursing the State for an increase of salaries," approved March 5, 1859.....	334	334, 411, 415, 485, 1043			Parrett.
183	A bill to create the 17th Judicial Circuit of the State of Indiana, and to provide for the election of a Judge thereof, to fix the times of holding Courts therein to provide for the appointment and election of a Prosecuting Attorney in the tenth Judicial Circuit, and to repeal all laws inconsistent with the provisions of this act, and declaring an emergency therefor for the immediate taking effect thereof.....	334	334, 415, 704			Presier.
184	A bill providing for jurisdiction of the Circuit and Common Pleas Courts in cases of forfeited recognizances, and providing for service of process, and making the recognizance a lien on all the real estate of the parties signing the recognizance, and giving the Prosecuting Attorney additional fees for enforcing the same, and repealing all laws in conflict with this act.....	334	334, 415, 1042			Jones, Tippecanoe.
185	A bill entitled an act to provide for numbering the several districts of the Court of Common Pleas of the State of Indiana.....	335	335, 415, 475, 893	894	1021 978, 979, 1037	Henricks.

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
186	A bill to authorize the Board of Commissioners to purchase toll bridges, or any private interest therein.....	337	327, 415, 764	764	980	764, 984	999	Veatch.
187	A bill authorizing Recorders to require payment in advance for their services.....	350	350, 416, 891					Bundy.
188	A bill to provide for the organization of companies to build dams across any stream to afford slackwater navigation.....	374	374, 416, 417, 485, 897	897	1010	1010, 1611, 1637	1066	Wells.
189	A bill authorizing the arresting and securing of fugitives from justice.....	374	374, 417, 482					Stofsenburg.
190	A bill to provide for the expenses of the present session of the Legislature.....	375	375, 417, 426, 479	480	541		452	Branham.
191	A bill to amend sections one hundred and seventy-six and one hundred and ninety of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	375	375, 417, 483					Grover.
192	A bill to provide for the organization of Circuit Courts, the election of Judges thereof, defining their powers and duties, and the jurisdictions of said Courts, and fixing the salaries of said Judges, and the number of terms of said Courts, and transferring the Probate business of the Common Pleas Court to the Circuit Court, and repealing all former laws on the subject.....	375	375, 417, 463, 733, 734					Jenkinson.
193	A bill to provide for the location, change or vacation of public highways, for the assessment of damages sustained by such location, change or vacation, and to repeal sections fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five and twenty-six of an act to provide for the opening, change or vacating of highways, approved June 17, 1852.....	376	376, 488, 711, 754					Anderson.
194	A bill to provide for the sale of certain property in the city of Indianapolis belonging to the State of Indiana, and with the proceeds thereof to purchase new grounds within the limits of said city, and erect thereon a new residence for the Governor, and for the regulation of the same....	376	376, 488, 669					Kendrick.
195	A bill to amend section thirty-four of chapter eighty-three of the revised statutes of 1852, and entitled "An act to provide for the incorporation of railroad companies," approved May 11, 1852.....	376	376, 488, 742, 805, 975					Lane.

196	A bill giving Clerks of the several Circuit Courts of this State, prolate jurisdiction, and defining their powers and duties therein, and fixing their compensation therefor, and to prohibit Clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.....	376	376, 489, 722, 723				Burgess.
197	A bill to amend the fourth section of an act declaratory of the law regulating marriages, and enforcing the provisions thereof by proper penalties, approved March 5, 1852, so as to give the county recorders power to issue marriage licenses.....	377	377, 489				Stotsenburg.
198	A bill to provide for the erection of an asylum for imbeciles.....	377	377, 490, 719, 757, 788				Veatch.
199	A bill to amend an act entitled "An act authorizing County Agricultural Societies to purchase and hold real estate," approved February 7, 1855, and to authorize such Societies to issue capital stock.....	377	377, 490, 516	517	531, 1011, 1019, 1037, 1065		Thompson.
200	A bill to amend the third section of an act entitled "An act containing some general provisions respecting the sinking fund, its management and control, and to legalize and give validity to certain bonds therein named, and to authorize the debtors of the branches of the State Bank of Indiana to secure the Sinking Fund a portion of their indebtedness," approved March 5, 1853, so as to authorize partial releases of lands mortgaged pursuant to said act, and so as to authorize substitutions.....	377	377, 490, 670				Fordyce.
201	A bill to attach the county of Huntington to the tenth Judicial Circuit, to create the seventeenth Judicial Circuit, to provide for holding the terms of Courts in said Circuits, and to provide for the election of a Prosecuting Attorney in said tenth Judicial Circuit.....	377	377, 490, 701				Parrott.
202	A bill to amend section 650 of article 36 of an act entitled "An act to revise, simplify and abridge the rules, practice and pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	378	378, 491, 582, 712, 792				Knowlton.
203	A bill to provide for the registration of births, marriages, and deaths, and for the appointment of a Registrar, defining and prescribing his duties, and the duties of other officers and persons in relation thereto, providing for the publication annually of such registration, and for the compensation of the officers performing the duties prescribed, also providing penalties for the violation of the law.....	378	378, 586, 623				Hurd.
204	A bill for the protection of swamp land ditching in this State be enacted by the General Assembly of the State of Indiana.....	378	378, 499, 773, 789, 900				Cooperider.
205	A bill to encourage the construction of free turnpikes, and to provide therefor.....	379	379, 422, 499, 575				Williams.
206	A bill supplemental to article 9 of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852, and to provide for the hearing of motions in attachment in certain cases, and to provide for the compensation of Judges hearing the same, and prescribing the duties of Clerks and Sheriffs therein.....	386	386, 499, 626				Roberts.

BILLS OF THE HOUSE.—Continued.

Number.	TITLES	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
207	A bill to amend section one hundred and fifty-six of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	387	387, 587, 623					Grover.
208	A bill to amend section 26 of an act entitled "An act to provide for the incorporation of railroad companies," approved May 11, 1852.....	387	387, 587, 623					Knowlton.
209	A bill to amend the ninth section of an act entitled "An act to amend an act to authorize and regulate the business of General Banking," passed the House of Representatives and the Senate March 3, 1855, the Governor's objection to the contrary notwithstanding, and making disposition of certain monies arising from the sale of stocks deposited to secure the redemption of the circulating notes of banking associations organized under the General Banking Law of this State, and providing for the redemption of the notes.....	387	387, 587, 701					Nebeker.
210	A bill to abolish the death penalty, and providing for imprisonment for life in all cases where, under existing laws, death may be indicted as the punishment for any crime.....	387	387, 588, 628					Campbell.
211	A bill to authorize the Superintendents, or other persons having charge of county asylums for the poor, to discharge inmates from the same, and to apprentice minors put under their care.....	387	387, 588, 670, 671					Gifford.
212	A bill to amend the third clause of section one hundred and twenty-three and section one hundred and thirty-six; and to repeal sections one hundred and thirty-eight, one hundred and thirty-nine, and one hundred and forty of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State".....	387	387, 588, 778, 790					Woods.
213	A bill entitled "An act defining certain felonies, and prescribing punishment therefor".....	388	388, 588, 1012					Henricks.
214	A bill regulating marriages, prescribing who may issue license to marry, and the form thereof, to whom license may issue, and the mode of recording the same; also prescribing the legal effect of such license, and							

215	providing compensation therefor, and penalties for the violation of the law	388	388, 588, 627	Hurd,
216	A bill to regulate the practice of medicine and surgery.....	388	388, 588, 1033	Gifford,
	A bill to amend section seven of an act entitled "An act to provide for the election of a Reporter and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 9, 1852	388	388, 589, 1044	Bingham,
217	A bill supplemental to an act entitled "An act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, and to prescribe their powers and rights and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857	393	393, 589, 753	Grover,
218	A bill to legalize the incorporation of towns under an act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties, approved June 17, 1852, and all by-laws, rules, regulations and proceedings adopted in pursuance thereof. Whereas, the above entitled act forming a part of the Revised Statutes of 1852, in consequence of unexpected delay in the distribution thereof, did not go into force and become the law until the 6th day of May, 1853. And whereas, before said day, in sundry of the counties of the State, when said Revised Statutes had been delivered, towns were incorporated and by-laws adopted, rules and regulations established, and other proceedings had upon the supposition and under the belief that said act was in force. And whereas, many acts have been done by such towns then incorporated which were supposed to be legal but which have since been discovered not to be.....	393	393, 589, 753, 756	Jones, of Wayne,
219	A bill to amend section one of an act, entitled, an act to amend section three of an act entitled "An act for the regulation of weights and measures," approved June 9, 1852, approved February 28, 1855.....	394	394, 589, 712	Roberts,
220	A bill to amend section seventeen of an act entitled "An act regulating decedents and the apportionment of estates," approved May 14, 1852.....	394	394, 590, 658	Mutz,
221	A bill to extend the powers and duties of Notary Publics.....	394	394, 590, 706	Jenkinson,
222	A bill entitled "An act to provide for the organization of life insurance companies,"	394	394, 590, 758, 758	Williams,
223	A bill authorizing any person, when necessary, to enter upon land of another and cut a ditch, and providing for the assessment of damages occasioned thereby.....	394	394, 590, 753	Kendrick,
224	A bill providing for the indexing of documents in the office of Secretary of State and appropriating therefor.....	394	394, 590	Reifen,
225	A bill to provide for notice to defendants in certain cases, and supplemental to an act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties," approved June 9, 1852.....	394	394, 590	Parfett
226	A bill to amend section ten of an act entitled "An act to fix the times of holding the Common Pleas Courts, in the several counties of this State, the duration of the terms thereof, and making all process from the present Court of Common Pleas returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith.....	395	394, 590	Lee,

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom introduced.
227	A bill supplemental to an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	335	335, 501, 627					Vetch.
228	A bill relative to the salaries and compensation of the District Attorneys of the several Common Pleas Districts, from the 5th day of March, A. D., 1859, to the 25th day of October, A. D., 1860, and prescribing the manner in which said claims shall be presented to the Auditor of State and his proceedings thereon.....	404	404, 525, 1002, 1044					Kendrick.
229	A bill to provide for the redemption of real estate in certain cases within two years from the sale thereof, either by the judgment debtor or any bona fide creditor of such debtor.....	405	405, 501					Brett.
230	A bill to amend an act entitled "An act to amend the first section of an act authorizing the construction of plank, McAdamized and gravel roads," approved May 12, 1852, approved March 5, 1859.....	405	405, 525, 724, 780					Collins, Whitely.
231	A bill prescribing certain duties of the Prosecuting and District Attorneys and providing compensation therefor.....	405	405, 525, 1014					Jones, Tippecanoe.
232	A bill to amend part 6 of section 6 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	405	405, 525, 552					Brucker.
233	A bill to regulate the docketing and disposal of the business in the Courts of Common Pleas throughout the State of Indiana; to provide for the return of the jury in the aforesaid courts on the first day of each term thereof, and to repeal all acts and parts of acts now in force which conflict with the provisions of this act.....	406	406, 526, 704, 742					Jones, Vermillion.
234	A bill to amend section six of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode							

225	of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	406	406, 526, 729	Atkinson.
226	A bill concerning some provisions respecting the Sinking Fund and its management and control, and some provisions respecting the stocks and accounts belonging to the same, and requiring the officers of said fund to account for the interest that shall accrue on deposits made of said fund, and how and for what purpose said deposit may be made and secured.....	406	406, 526, 670	Branham.
227	A bill authorizing Judges of Circuit and Common Pleas Courts to hear and determine demurrers, motions and applications for the production of books and papers, and the appointment of receivers in vacation.....	406	406, 526, 629	Jones, Tippecanoe.
228	A bill to provide for the paying over of funds arising from estates without heirs to the Commissioners of the Sinking Fund.....	470	470, 527, 623	Jones, Wayne.
229	A bill supplemental to an act to require surviving partners to file inventories on appraisements in the office of the Clerk of the Court of Common Pleas, and to report the liabilities of the firm, approved March 5, 1839.....	484	484, 527, 678	Ventch.
230	A bill to amend section six of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana: for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,".....	486	486, 527, 549, 539, 897	McLean.
231	A bill to fix the times of holding Courts in the Eleventh Judicial Circuit, to provide for the adjourned terms, and to regulate the return of process.....	490	490, 491, 702, 1041	Knowlton.
232	A bill to provide what counties shall hereafter compose each of the third, fifth, and sixth Judicial circuits, and to fix the times of holding the courts in said circuits, and to repeal all laws in conflict herewith.....	495	495, 528, 797	McLean.
233	A bill providing for the inclosure of the Tippecanoe Battle grounds and making an appropriation for the same.....	498	498, 527, 740, 741, 751, 985	Bryan.
234	A bill fixing the time of holding the Circuit Court in the First Judicial Circuit and repealing all laws in conflict therewith.....	498	498, 525, 679	Prosser.
235	A bill to amend section one of an act entitled "An act fixing the time of holding the Circuit Court in the twelfth Judicial Circuit, regulating the terms thereof, and repealing all laws inconsistent therewith," approved March 2, 1850.....	498	498, 528, 705, 704, 712, 1000	Jones, Tippecanoe.
236	A bill declaratory of the meaning of the first clause of the eighth section, and also the ninth section of the second article of chapter one, part second, of the Revised Code of 1852.....	499	499, 526, 578	Roberts.
237	A bill to repeal all laws authorizing Judges of the Circuit Courts to hold special or adjourned terms thereof, and legalizing the holding of such Courts.....	508	508, 527, 1041	Bundy.
238	A bill to provide for taxing and collecting for the use of the State, docket fees in certain civil and criminal cases, to which the State is or may be a party.....	508	508, 528, 671	Ventch.
239	A bill to authorize the Boards of Commissioners of the several counties through which the Wabash and Erie Canal runs to cause bridges to be built across said Canal.....	509	509, 529, 701, 712	Hopkins.
240	A bill to provide for the collection of taxes from persons wandering through the State without places of permanent abode.....	510	510, 529, 1011	Moff.

BILLS OF THE HOUSE—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
250	A bill to enable railroad companies incorporated under the general railroad law of May 11, A. D. 1852, that have gone on to construct their roads, but failed to complete the same within the time specified in said law, to enjoy the privileges of their charter, and to complete or abandon the remainder, and to enable railroad companies to extend their lines of railroad, and also to extend the time to complete railroads.....	510	510, 520, 739					Underwood.
251	A bill to amend the fourteenth section of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.....	510	510, 520, 712, 756					Gar.
252	A bill to amend the second section of an act incorporating school townships, defining their powers, requiring the title of school lots to be vested in the corporate name of the township, town or city in which the same is situate, authorizing public school houses to be occupied for private schools, and also for other meetings, and to authorize the Common Council, or Aldermen of a city, and the Trustee of an incorporated town, to levy all taxes for schools, and the building and repair of school houses, and to repeal all laws inconsistent with this act; approved March 5, 1859.....	511	511, 520, 728, 751					Jenkinson.
253	A bill declaring the vending, selling or giving away of impure, adulterated or drugged liquor or liquors, as a felony, and prescribing the punishment therefor.....	511	511, 530, 773					McLean Brett.
254	A bill to provide for the re-valuation and sale of forfeited school lands.....	512	521, 530, 657, 682					
255	A bill to enable the Board of Trustees of the Wabash and Erie Canal, with the consent of the creditors of this State, whose debts are secured by said Canal, to lease said Canal, or parts thereof, for a term of years, to private individuals, companies or corporations.....	512	512, 501, 723, 1043					Crain.
256	A bill to secure the collection of rents in certain cases therein named, and to enable persons of small means to rent lands without giving personal or other security therefor.....	512	512, 530, 713, 756					Pitts.
257	A bill fixing and providing for the compensation of members of the General Assembly, the Secretaries, Clerks and Doorkeepers thereof, and repealing all laws conflicting therewith.....	512	512, 591, 725					Edson.

258	A bill to amend sections six hundred and eighty-four, and six hundred and eighty-eight of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852, so as to authorize a writ of assessment of damages in certain cases.....	512	512, 591, 721, 755, 789	Bingham.
259	A bill supplemental to an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same," and to regulate such other matters as properly pertain thereto," approved March 9, 1853.....	512	512, 592, 721	Harvey.
260	A bill to authorize constables to administer oaths in certain cases therein named.....	511	511, 592	Edson.
261	A bill to amend the sixth section of an act entitled "An act for the incorporation of manufacturing and mining companies, and companies for mechanical, chemical and building purposes," approved May 29, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act, with a fixed amount of limitation of capital, may increase the same by a vote of their stockholders, in the same manner as is provided in said section for increasing capital stock.....	511	511, 592, 722, 721	Parrott.
262	A bill to amend sections 78, 79, 91, 95, 142 and 143 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	518	518, 592, 806, 847	Brett.
263	A bill to amend section seventeen of an act entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent herewith," approved March 5, 1859.....	511	511, 592, 661, 680	Packard.
264	A bill to amend the sixth section of an act entitled "An act for the incorporation of towns, defining their powers, providing for the election of officers thereof, and declaring their duties," approved June 11, 1852.....	541	541, 592, 724, 789	
265	A bill to amend the fourteenth section of an act entitled "An act to amend an act to repeal all laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as pertain thereto," approved March 9, 1857, and to provide for a penalty upon city taxes remaining delinquent after the third Monday in March, A. D., 1861," approved March 1, 1859.....	511	511, 593, 786	
266	A bill for the purchase of certain volumes of Blackford's Reports, and providing for the distribution thereof.....	541	541, 593, 669	

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
267	A bill to amend the sixth section of an act authorizing the construction of plank, McAdamsized, and gravel roads, approved May 12th, 1852, and adding a supplemental section to said act.	542	542, 593, 725, 805, 847					
268	A bill providing for service of summons in actions against sheriffs and their sureties of their official bonds.	542	542, 593, 624					
269	A bill supplemental to an act passed March 3, 1855, entitled "An act to establish a bank with branches."	542	542, 593, 744, 756, 889	889				
270	A bill to amend section four hundred and sixty-seventh of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, and to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity."	542	542, 593, 710, 742					
271	A bill to authorize turnpike and plank road companies, heretofore incorporated under any special act of the General Assembly of this State, to obtain materials for the repair thereof from any lands adjacent thereto.	542	542, 594, 722, 806, 817					
272	A bill to amend sections 656 and 661 of an act, entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.	542	542, 594					Edson
273	A bill to amend section seventy-five of an act entitled "An act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1851.	542	542, 594					
274	A bill regulating the fees of county auditors, and repealing former laws in conflict with this act.	543	543, 594					
275	A bill authorizing turnpikes and plank road companies heretofore incorporated under any special act of the General Assembly of the State of Indiana, to alter the time of holding their annual elections for director of such companies, and repealing all acts in conflict therewith.	543	543, 594, 729, 754					

276	A bill to amend the twelfth section of an act, entitled "An act regulating the fees of officers, and repealing former acts in relation thereto," approved March 24, 1855, so as to give prosecuting attorneys a docket fee in divorce cases.....	543	543, 595, 772				Stoenburg.
277	A bill to amend section one of an act, entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and of county and township officers in relation thereto," approved March 25th, 1859.....	543	543, 595, 1641				Stoenburg.
278	A bill respecting assignments of goods by way of mortgage, prescribing what goods they shall cover, and the extent of the lien the mortgagee shall have thereon.....	543	543, 595, 772				Edison.
279	A bill supplemental to an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 25, 1857.....	544	544, 595, 709, 710, 754				Edison.
280	A bill to repeal an act entitled "An act to provide for voluntary assignments of personal and real property interest, for the benefit of creditors, and regulating the mode of administering the same," approved March 5, 1859.....	544	544, 595, 620				Edison.
281	A bill providing for the compensation of District Attorneys, and regulating their fees.....	544	544, 595, 658				Edison.
282	A bill to amend section fourteen of an act entitled "An act providing for the election and qualification of Justices of the Peace, and defining their jurisdiction, powers and duties in civil cases.....	544	544, 595, 1644				Allen.
283	A bill to provide for the payment of interest on the State debt, due January 1, 1861.....	423	423, 572, 573	573	921	929, 928	Brandam.
284	A bill to amend sections one, two and three of an act entitled "An act to provide for the relocation of county seats, and for the erection of public buildings in case of such relocation," approved March 25, 1855, and to provide for the disposition of grounds and buildings heretofore used as county buildings, and to provide for appeals from the decisions of Boards of County Commissioners in relation thereto, and to repeal all laws in conflict therewith.....	426	426, 596, 708				Cameron.
285	A bill to apportion Senators and Representatives for the next six years.....	426	426, 584, 586, 643, 808				
286	A bill to provide for the compensation of Judges of the Court of Common Pleas, and repealing all laws inconsistent therewith.....	427	427, 577, 727				
287	A bill to amend an act entitled "An act to provide for the valuation and appraisement of real and personal property and for the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 24, 1852.....	433	433, 596, 1641				Ventch
288	A bill to provide for the detection and arrest of felons.....	433	433, 596, 639				
289	A bill to provide for the investment of the Sinking Fund five per cent. and two and a half per cent. State stock.....	433	433, 596, 729, 975				
290	A bill to amend an act entitled "An act for the better protection of religious meetings, agricultural fairs, and other lawful assemblages of the people," approved March 3, 1859.....	433	433, 596, 740				Occ.

BILLS OF THE HOUSE—Continued.

Number.	TITLE.	Introduced.	Proceedings Thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
292	A bill supplemental to, and to amend the first section of an act entitled "An act to enable Trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellow lodges, Sons and Daughters of Temperance, and for the construction of cemeteries, houses of worship, or other buildings therein mentioned," approved June 17, 1852.....	453	453, 596, 629					Bryan.
293	A bill for the establishment of a State Normal School.....	453	453, 597, 773					
294	A bill to amend sections fourteen and fifteen of an act entitled "An act defining felonies and prescribing punishment therefor".....	577	577, 604, 739 756					Hefren.
295	A bill to provide for the necessary judicial proceedings to procure the removal of the feeder dam erected across the Cadumet river, in the State of Illinois, and for the payment of the expenses of such proceedings.....	579	579, 605, 599, 800, 902, 908	909	955	909, 934	999	Lee.
296	A bill to amend an act entitled "An act to repeal all general laws now in force for the incorporation of cities, and to provide for the incorporation of cities, prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.....	585	585, 605, 471	971	1006	1037	1065	Stotsenburg.
297	A bill to amend section fifteen of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859.....	587	587, 605, 691	691	954	983	999	Hurd.
298	A bill to prescribe the time of holding the Circuit Courts in the Third Judicial Circuit of the State of Indiana, the duration of the terms thereof, and making all process issued after the commencement of the terms of said court as now.....	597	597, 605, 606					Allen.
299	A bill regulating the rates of exchange chargeable in certain cases herein named, and declaring it usury to take or charge exchange contrary to the provisions thereof by any bank, individual or corporation.....	597	597, 608					Stotsenburg.
300	A bill to prohibit Judges from practicing law in the courts of this State.....	597	597, 606					Bundy.
301	A bill to amend section six of an act, entitled "An act prescribing the powers and duties of Justices of the Peace,".....	597	597, 606, 730					Lee.
302	A bill to amend section fourteen of an act entitled "An act touching the							

302	relation of guardian and ward," approved June 4, 1852, and to confirm guardian sales of real estate heretofore made.....	597	597, 606, 703	Stevenson.
303	A bill providing for the taking of the sense of the people upon the Crittenden and Border State propositions.....	603	603, 643, 736, 737	Hoffren.
304	A bill to amend section seven of an act entitled "An act providing for the election of Clerks of the Circuit Court and prescribing some of their duties," approved June 7, 1852, and supplemental thereto prescribing the management and disposition of certain funds therein named, and the duties of the county auditors and treasurers therewith, and fixing the penalties for the violation of this act, and repealing all laws in conflict with this act.....	603	603, 644, 739, 756	Yeatch.
305	A bill to provide for the salary of the Attorney General, and repealing all laws in conflict with this act.....	603	632, 644, 733	Cameron.
306	A bill providing for the payment of the Indiana Peace Commissioners and said Commissioners.....	603	603, 644, 708, 739	
307	A bill to amend sections one and ten, and to repeal sections three, four, five, six, seven and eight of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violations thereof," approved March 5, 1850.....	603	603, 644	Ragun.
308	A bill to provide for the appointment of proper persons as supervisors of roads ordered to be laid out and opened by the Board of Commissioners, where such roads extend into more than one township.....	603	603, 644	Hoffren.
309	A bill providing the mode and manner of appraising real estate to be mortgaged to the school funds.....	604	604, 644, 736	Hoffren.
310	A bill concerning partition fences, and prescribing who may join fences.....	604	604, 645, 1041	Hoffren.
311	A bill to provide for the government and discipline of the State Prisons, and to repeal an act entitled "An act to provide for the government and discipline of the State Prison," approved February 5, 1853; also so much of an act to provide for the erection of a new prison north of the National Road, election of officers thereof, making appropriations, and for the regulation of the same, approved March 5, 1850, as may come in conflict with this act.....	604	604, 745	Cameron.
312	A bill to empower the Directors of the Bank of the State of Indiana to close up the Branch at Plymouth, and to re-locate a branch in lieu thereof at some other place.....	604	604, 645	
313	A bill to amend section nineteen of an act entitled "An act to provide for the more uniform mode of doing township business, prescribing the duties of certain officers in connection therewith, and to repeal all laws conflicting with this act," approved February 18, 1850.....	604	604, 645, 711, 742	
314	A bill to provide for the mode and manner of electing United States Senators.....	606	606, 645, 746, 745	Hoffren
315	A bill authorizing persons owning lands along any private roads to maintain gates thereon, and providing for a removal of the same.....	606	606, 645, 1041	Groves.
	A bill to amend the third, fourth, fifth, ninth and eleventh sections of an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of	745		

BILLS OF THE HOUSE.—Continued.

Number.	TITLE.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
316	Liquors, to repeal all former laws contravening the provisions of this act, and prescribing penalties for violation thereof," approved March 5, 1859.	608	608, 615, 656, 682					Jones, Tippecanoe.
317	A bill regulating the assessment and collection of taxes on the capital stock of the bank of the State of Indiana and the stock banks of the State of Indiana.	609	609, 648, 653					Warren.
318	A bill to amend section 417 of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.	629	629, 683, 973	972	980	982	999	Bingham.
319	A bill to regulate the business of Insurance Companies organized in the State of Indiana after the passage of this act.	648	648, 683					Helfren.
320	A bill to provide for the better organization of Indiana University and management of its affairs; to increase the number of its board of Trustees, and to limit their compensation.	649	649, 683					Packard.
321	A bill to compel companies which have heretofore or may hereafter construct McAdamized and gravel roads through towns to gravel the street upon which such roads may be constructed.	650	650, 683, 684, 786, 787					Campbell.
322	A bill to repeal section thirty-eight of an act, entitled "An act to provide for the incorporation of railroad companies," approved May 11th, 1852.	650	650, 684, 777, 778					Bundy.
323	A bill to amend section twelve of an act, entitled "An act to provide for a general and uniform system of Common Schools and school libraries, and matters properly connected therewith," approved June 14th, 1852.	650	650, 684, 737, 739	738				Crain.
324	A bill to repeal all laws now in force establishing the times of holding Circuit Courts in the Second Judicial Circuit, to fix the times of holding said Courts, requiring all persons to take notice thereof, providing for the return of process, and declaring when this act shall take effect.	650	650, 684					Wilson.
325	A bill to raise a revenue for State purposes for the years 1861 and 1862.	654	654, 655	655	955	1002	1066	Helfren.
326	A bill to revise an act, entitled "An act to legalize the donations and proceedings of the Alton, Mount Carmel, and New Albany Railroad Company, and for other purposes," approved February 4th, 1857, extending the	656	656, 684, 685	685	989	989	998	Fisher.

327	time for the commencement and completion of said railroad, changing the name thereof, with some general provisions in regard to the corporate powers thereof, and declaring an emergency for the immediate taking effect of this act.....	665	655, 806, 807	847	955	983	998	Allen.
328	A bill amending an act entitled "An act to prohibit the evidence of Indians and persons having one-eighth or more negro blood in all cases where white persons are parties in interest....."	665	655, 762, 763, 764					Jenkinson.
329	A bill to amend section four of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties in this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, and providing for the return of process to the terms fixed by this act, and declaring when this act shall take effect.....	665	665, 666	666	955	1002	1006	Gresham.
330	A bill to permit the removal of any free bank in the State of Indiana from one place to another.....	666	666, 765, 789					Parrott.
331	A bill to amend the second and fourth, and to repeal the third section of an act entitled "An act fixing the time and mode of executing State printing, defining his duties, fixing compensation, and repealing all laws coming in conflict with this act," passed March, 1859.....	667	667, 977, 980, 981, 982	982				Randall.
332	A bill to require traveling merchants and peddlers to procure license in the several counties where they carry on business, prescribing penalties for the violation thereof.....	667						Fisher.
333	A bill to create the Seventeenth Judicial Circuit, to provide for the election and appointment of a Judge thereof, to provide for the holding the terms of courts in the Tenth and Seventeenth Judicial Circuits, and to provide for the election and appointment of a Prosecuting Attorney in said Tenth Judicial Circuit, and declaring an emergency for the immediate taking effect of this act.....	704						Parrott.
334	A bill to establish the weight of mineral coal mined without, and sold within this State, and repealing all laws coming in conflict herewith.....	708						Roberts.
335	A bill to amend an act entitled "An act to provide for the election of Trustees and Commissioners for the Benevolent Institutions of the State, and prescribing some of the duties of such officers....."	719						Veatch.
336	A bill to amend the fifth section of an act entitled "An act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved March 5, 1859.....	728						Holcomb.
337	A bill making general appropriations for the years 1861 and 1862.....	733	763, 821, 854, 852, 853	853	931	876, 931, 932, 933, 940, 1008, 1009, 1022, 1037	1066	Brantham.
338	A bill to amend section one of an act entitled "An act to regulate the mileage of Sheriffs in conveying convicts to the State Prison, and of county treasurers in making deposits, and in their settlements with the Treasurer and Auditor of State, and the mileage of members of the General Assembly," approved June 17, 1852.....	794						Kitchen.
339	A bill to provide for taxing the Bank of the State of Indiana for common school purposes.....	798						Fisher.
340	A bill making an appropriation for the purpose of carrying on the work on Northern Prison, and providing the manner of completing the same.							

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
340	and prescribing the powers and duties of the Board of Directors in relation thereto..... A bill to amend an act entitled "An act to amend the one hundred and third section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,' approved June 21, 1852.....	798	798, 799					Sherman.
341	A bill to amend section one hundred and twenty-four of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	800	800, 875, 876	876	989	1002	1066	Grover.
342	A bill authorizing County Commissioners to levy a tax in certain cases for the completing of local improvements, and defining how the same shall be collected and disbursed.....	800	800, 877, 1011, 1012	1012	1019	1037	1066	Grover.
343	A bill to provide for the payment of sheriffs' and witnesses' fees in criminal cases.....	801	801					McClurg.
344	A bill to provide for the erection of swinging gates across State, county and township roads where such roads lead to the crossing of any river of sufficient size to be necessary to keep a ferry, and no such ferry is kept, and to provide penalties for injuring or leaving such gates open.....	802	802					Bryan.
345	A bill in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of common schools.....	806						Prosser.
346	A bill to authorize agricultural and mechanical associations, or either of them, to mortgage their lands, fixtures and other property, in order to pay for the same and improvements thereon, and to issue and sell bonds for the same object.....	819	849, 850	850	930	850, 931, 933, 935, 941, 973, 997, 1001	1017	Frasier.
347	A bill making specific appropriations for the year 1861.....	899						Stotsenburg.
348	A bill supplemental to an act entitled "An act to provide for the government and discipline of the State Prison, and to repeal an act to provide for the government and discipline of the State Prison, approved March	912	912 to 920, 922 to 928	928	988	949, 988, 996, 1007, 1008, 1019, 1037	1066	Branham.

3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857, providing that the Directors of said prison may work the convicts outside the walls of said prison under certain restrictions, and providing punishment for any interference with the officers and convicts of said prison while so employed, and providing for the purchase of ground for a grave-yard, for the enlargement of a female department of the prison, for the transfer of insane convicts to the Hospital for the Insane, and authorizing said Directors to adjust and settle all matters in controversy with the contractors in said prison, to make new contracts with said contractors, and repealing section eleven of an act entitled "An act to provide for the government and discipline of the State Prison," and to repeal an act entitled "An act to provide for the government and discipline of the State Prison," approved March 3, 1855, and all other laws or parts of laws inconsistent herewith," approved February 5, 1857.....	929	929, 930, 978, 993, 996, [1000]	1005	1015	1006 Jones, Vermillion.
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BILLS OF THE SENATE.

Number.	TITLES.	Other Proceedings.			
		Reported from House.	Proceedings Thereon.	Passed House.	
11	A bill to amend section 151 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	196	196, 389, 574, 947	948	980
14	A bill to amend section 48 of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, duties and liabilities of officers connected with the management thereof; and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.....	196	196, 197	198	217
97	A bill to amend section 29 of "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1853, and declaring when this act shall take effect.....	279	279, 280, 281	281	288, 291
74	A bill to fix the times of holding the Circuit Courts in the seventh Judicial Circuit, composed of the counties of Hancock, Hamilton, Madison, Delaware, Tipton, Howard and Blackford, and repealing all laws in conflict therewith.....	287	287, 288, 291, 345	346	376
7	A bill supplemental to an act entitled "An act concerning real property and the alienation thereof," approved May 6, 1852.....	289	389, 416, 481, 756	757	790
5	A bill to amend section two hundred and thirty-eight of an act entitled "An act to revise, simplify, and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and provide for the administration of justice in a uniform mode of pleadings and practice, without distinction between law and equity," approved June 18, 1852.....	390	390, 416, 624, 625, 626, 797, 942		
19	A bill to amend the third section of an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act," approved February 26, 1857.....	390	390, 416, 420, 421, 950	951	997
24	A bill to amend the sixth section of an act entitled "An act for the encouragement of agriculture," approved February 17, 1852.....	399	390, 416, 751	752	783
29	A bill to amend section fourteen of an act entitled "An act defining mis-				

	demeanors, and prescribing punishment therefor," approved June 14, 1852.....	390	390, 416, 719	750	780
12	A bill to amend the sixteenth section of an act entitled "An act touching the relations of guardian and ward," approved June 9, 1852.....	390	390, 416, 751	751	780
77	A bill to amend the 33d section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State; to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	398	398, 601, 945	945	983
79	A bill to amend section four of an act entitled "An act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of this act....	398	398, 487, 488, 574, 949	919	983
16	A bill requiring township assessors to ascertain the number of sheep killed and injured by dogs.....	398	399, 509, 609, 714, 948		
18	A bill to amend the three hundred and fiftieth section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings, and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	399	399, 600, 950	950	983
41	A bill to make the register, catalogue, tract book, plot book, and description of lands kept in the land office of the United States, and in the Canal and Michigan Road land offices, and copies thereof, prima facie evidence of the truth of their contents.....	399	399, 600, 760, 761	761	783
49	A bill to provide for struck juries in the Circuit and Common Pleas Courts.....	399	399, 488, 576, 577, 949	950	987
26	A bill supplemental to an act entitled "An act to provide for the relocation of county seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned, designating a site, and a house to be used as a court house, and where a deed has been executed, to provide also for the transfer of any equitable title for the termination of a actions growing out of such relocation, and for the transfer of the former county property," approved December 22, 1858, so as to legalize and confirm the action of Boards of Commissioners, in cases where public property has been conveyed under the provisions of such act, and to provide for the conveyance of the asylum for the poor in certain cases, and to provide also that the Trustees created under the act to which this is supplemental, shall constitute bodies politic and corporate.....	399	399, 600, 802, 803, 849, 952, 953, 1015		
56	A bill to amend section ten of "An act to amend the first section of an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7, 1857, so as to allow new counties to be formed out of territories of less than four hundred square miles, and prescribing how the number of qualified voters shall be ascertained," approved March 9, 1859.....	399	399, 690, 1011		
51	A bill to authorize and regulate the sale of, and to perfect the title of purchasers of railroads sold by foreclosure or other proceedings in law or equity, and to enable them to organize corporations, and to exercise	399			

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings Thereon.	Passed House.	Other Proceedings.
52	corporate and other powers, and also to legalize sales of railroads heretofore made.	423	424, 599, 608, 609, 743	744	744, 789, 972
104	A bill to amend the 352d section of an act, entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity," approved June 18, 1852.	423	424, 602, 948	948	983
116	A bill to amend an act, entitled "An act to amend the first section of an act concerning real property and the alienation thereof, approved May 6, 1852, approved March 2, 1859, and to legalize conveyances made by Indians, negroes, mulattoes, and other persons of mixed blood".....	423	424, 602, 157	658	672
163	A bill to amend section seven of an act entitled "An act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter," approved February 5, 1852.	123	124, 601, 656, 896		
175	A bill to amend section four hundred and sixty-seven of "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.	423	424, 601, 1044		
25	A bill to amend section forty-two of an act entitled "An act to establish Courts of Common Pleas and defining the jurisdiction and duties of, and providing compensation for the Judges thereof," approved May 14, 1853, so as to regulate the docketing and disposal of the business thereof and the act amendatory thereto," approved March 5, 1859.	424	424, 601, 739, 740, 956	956	985
36	A bill authorizing Justices of the Peace, Notaries Public, Mayors of towns and cities, and Clerks of Circuit and Common Pleas Courts to administer oaths generally; and County Auditors, in certain cases; and to legalize such as may heretofore have been administered by any of said officers.	424	125, 601, 942	942	980
	A bill to amend the forty-ninth section of an act entitled "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.	424	425, 602, 603, 735, 736, 943	944	954, 980

38	A bill authorizing County Auditors to purchase justices dockets, and to pay for the same out of the county treasury, and to provide for the sale keeping of the same.....	425	425, 492, 770		
46	A bill to amend the fifty-seventh section of an act entitled "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852, and supplemental thereto to prevent illegal voting, to prevent immigration or passing from any other to this State, or from one county or township in this State to any other county or township therein, or from any ward in any incorporated city or town to any other ward therein, for the purpose of fraudulent voting; prescribing penalties for aiding, abetting or assisting in such immigration or passing with intent to procure fraudulent voting; and to prevent forged or fraudulent poll books, ballots or returns, and prescribing punishment therefor, and to preserve the purity of elections.....	425	425, 492		
177	A bill to amend section five of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1853.....	498	498, 544, 653, 951	952	979, 995
86	A bill to amend the fourth, sixth, seventh and forty-ninth sections of an act entitled "An act to amend an act to authorize and regulate the business of general banking," approved March 3, 1855.....	543	543, 586, 587, 671, 672, 913	943	954
107	A bill for the relief of the heirs of Michael O'Brien, deceased.....	686	686, 754, 890	891	898, 899, 907
20	A bill supplemental to an act entitled "An act to regulate and license the sale of spirituous, vinous, malt and other intoxicating liquors, to prohibit the adulteration of liquors, to repeal all former laws contravening the provisions of this act, and prescribing the penalties for violations thereof," approved March 5, 1855.....	686	686, 697, 755, 945, 946	947	980
30	A bill to amend sections four, five, eighteen, twenty, twenty one and twenty-two of an act entitled "An act regulating general elections and prescribing the duties of officers in relation thereto," approved June 7, 1852, and repealing sections twenty-nine and thirty of said act.....	686	686, 687, 728		
67	A bill to amend the first section of an act to provide for the valuation and assessment of real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 1, 1852, and to legalize the action of Boards of County Commissioners in regard to the levying of poll taxes for county purposes, and declaring an emergency for the immediate taking effect of this act.....	686	686, 697, 755, 957	957	993
65	A bill to dispose with the selecting and summoning a petit jury for Courts of Common Pleas where the business does not require it.....	997	799, 799, 1015		
25	A bill to amend section one of an act entitled "An act providing for the settlement of decedents' estates, prescribing the rights, liabilities and duties of officers connected with the management thereof, and the heirs thereto, and certain forms to be used in such settlement," approved June 17, 1852.....	999	700, 758, 1011		

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	PROCEEDINGS THEREON.			Other Proceedings.
		Reported from Senate.	Proceedings Thereon.	Passed House.	
73	A bill to amend an act entitled "An act to authorize county agricultural societies to purchase and hold real estate," approved February 7, 1855, and to legalize purchases heretofore made.....	698	700, 757, 961	961	997
76	A bill to legalize the listing and assessment of property in the cities of this State, and the making out of the tax duplicates of such cities, and to authorize the treasurers and collectors of such cities to collect taxes in certain cases.....	698	700, 757, 1043		
81	A bill to amend the fifty-first section of "An act defining misdemeanors and prescribing punishment therefor," approved June 14, 1852.....	698	700, 758		
82	A bill to repeal an act to amend the one hundred and forty-third section of an act entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the Treasurer and Auditor of State," approved June 21, 1852, approved March 4, 1853.....	698	700, 757, 1041		
93	A bill to amend section seven of an act entitled "An act to fix the times of holding Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1850, so as to change the times of holding said courts in Jackson and Bartholomew counties and declaring when this act shall take effect.....	698	700, 758, 960	961	
96	A bill relating to judgments upon instruments of writing containing a promise to pay money without relief from appraisement laws.....	698	700, 758		
98	A bill to amend the thirteenth and fourteenth sections of an act entitled "An act providing for the election and qualifications of Justices of the Peace and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852.....	699	700, 759, 941	942	980
99	A bill to repeal section seventy-three of "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana; for the election of township assessors and prescribing the duties of assessors, appraisers of real property,				

117	county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	699	700, 758, 759, 1041	
	A bill to authorize and require Clerks of Circuit and Common Pleas Courts to enter satisfaction of certain mortgages foreclosed in such courts and providing compensation therefor.....	699	700, 758, 957	958
101	A bill to amend section 168 of "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors and presiding the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852.....	699	700, 759, 1011	
106	A bill to provide for the settlement and compromise by partners and joint debtors with their creditor and creditors.....	699	700, 759, 1043	
136	A bill to amend section six of an act, entitled "An act providing for the organization of County Boards, and prescribing some of their powers and duties," approved June 17th, 1852.....	699	700, 759, 958, 959	959, 957
171	A bill to repeal an act, entitled "An act to provide for the return of the jury in the Common Pleas Court at the third day of the term," approved March 25th, 1853, and to authorize the Judges of the Courts of Common Pleas to fix the order of business in such Court, and the day on which the jury shall be summoned to appear in such Court.....	699	700, 760, 952	952 953
203	A bill to authorize the Governor to obtain possession of all public arms and military equipments belonging to the State of Indiana, or distributed by the General Government to the same, and which are not in the possession of companies meeting regular for drill, and to institute legal proceedings to recover the said arms and equipments, or the value thereof, and also to provide for the distribution of the public arms, and to repeal all laws inconsistent therewith.....	699	700, 760, 803, 804	801 847
224	A bill to repeal an act, entitled "An act prescribing the time of holding, and the length of the terms of the Courts of the Third Judicial Circuit," approved March 3d, 1853, and to revise and declare in force the acts or parts of acts thereby repealed.....	700	700, 760, 1043	
138	A bill to amend the second section of an act, entitled "An act to revise, simplify and abridge the rules, practices, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 13, 1852, so as to authorize a change of venue in certain cases thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment of township libraries.....	700	700, 759, 964, 962	962 989
217	A bill to amend the second and fifth sections of an act, entitled "An act to authorize the Commissioners of the Sinking Fund to receive substitutions of stock mortgages, and for other purposes," approved January 28th, 1857, and containing some provisions respecting the reinstating of mortgages given for loans made from the Sinking Fund, or any fund loaned by the Auditor or Treasurer of State, and of sales made on account of any of said funds, and respecting the collection, safety and control of said funds, the time, manner and place of making sales, the pro-	871	871, 872, 873, 874, 875	875 875, 955

BILLS OF THE SENATE.—Continued.

Number.	TITLES.	Other Proceedings.			
		Reported from Senate.	Proceedings Thereon.	Passed House.	
114	cedings against purchasers who fail to comply, and matters properly connected therewith..... A bill for the relief of borrowers of Sinking Fund, Surplus Revenue Fund, Saline Fund, Congressional School Fund, and other funds, and to repeal a certain act therein named, and prescribing how mortgages may be substituted, and matters properly connected therewith.....	882	882, 883	884	921
185	A bill to amend the eighth section of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859..... A bill to repeal an act, entitled "An act providing for extending the terms of the Circuit Courts by adjournment, when the pending business shall be unfinished," approved February 12th, 1855, to authorize the Court or Judge to call and hold special terms, and to provide for the compensation of the judges for holding such adjourned and special terms, and prosecuting attorneys, while in attendance upon the same, approved December 24th, 1858, and to legalize all judgments, orders and decrees of the special terms of said Court, held under the provisions of the act hereby repeated.....	934	934, 935	935	947
187	A bill supplementary to "An act to authorize and regulate the business of general banking," approved March 3d, 1855, and to authorize the Auditor and Treasurer of State to surrender the securities and moneys deposited, and to declare and pay out a further dividend in certain cases..... A bill for the relief of Catharine P. Whitelsey, and to vest in her certain real estate recently held by John Lindseley, late of Vanderburg county, Indiana, deceased, which has escheated to the State.....	962	963, 969, 970, 987	970	1003, 1015
121	A bill to amend the 9th section of an act entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith," approved March 5, 1859, and prescribing the times of hold-	963	963, 961, 962, 963	993	1093
153		963	963, 964, 965	995	1001
264		963	963, 968, 994	994	1002

277	ing, and the duration of the terms of the Common Pleas Courts of the counties of Clay, Owen, Greene and Putnam.....	963	963	
	A bill to amend sections 54 and 66 of an act entitled "An act dividing the State into counties, defining their boundaries, and defining the jurisdiction of such as border on the Ohio and Wabash rivers," approved June 7, 1852, and defining the boundaries of the counties of Morgan and Putnam.....	963	963, 996, 997, 1001, 1002	1002
169	A bill to amend the fourth and sixth sections of the act entitled "An act for the incorporation of manufacturing and mining companies, for mechanical, chemical and building purposes," approved May 20, 1852, by providing that any companies which may have been incorporated in this State for any of the purposes contemplated in said act with a fixed amount or limitation of capital, may increase the same by a vote of its stockholders, in the same manner as is provided in said section for increasing capital stock.....	963	964, 985, 986	985 1003
165	A bill to provide for the location, vacation or change of public highways, for the assessment of damages sustained by such location, vacation or change, and to repeal sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and 26 of "An act to provide for the opening, vacating and change of highways," approved June 17, 1852.....	964	969	
274	A bill to ascertain the amount of the fees and salaries of the Clerk of the Supreme, Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court, and of the various counties of this State, of county Auditors, and Treasurers, and Recorders, and to provide punishment for a violation of its provisions.....	964	969	
71	A bill to provide for the incorporation of street railroad companies.....	964	969	
161	A bill to authorize administrators and executors to administer oaths to appraisers and clerks who may be employed in connection with decedents' estates.....	964	969, 1014, 1015	1015
199	A bill to amend section one of an act entitled "An act supplemental to an act to exempt property from sale in certain cases, approved February 17, 1852," approved March 5, 1853, so as to include all kinds of personal property.....	965	969	
142	A bill to authorize the Trustees of the State University to appropriate a certain amount of the University funds for the enlargement of its cabinet and library, and directing the State Librarian to transfer certain documents and books herein named to the library of the State University; also making the State Geologist a member of the Faculty of the University, and requiring him to deposit specimens in Mineralogy and Geology in the cabinet of the same.....	965	969, 1015, 1016	1016
170	A bill to amend the first, second, third and fourth sections of an act entitled "An act for the protection of the trust and other funds of this State, and to provide for the substitution of mortgages, and prescribing the punishment of officers who loan a greater amount of said funds than is authorized by law," approved March 2, 1855.....	965	969	
150	A bill to amend sections four and seven of an act entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of Attorney General of the State of Indiana," approved February 21, 1855.....	965	969	

Number.	TITLES.	Other Proceedings.			
		Reported from Senate.	Proceedings thereon.	Passed House.	
109	A bill to amend the first section of "An act, defining who are persons of unsound mind, and authorizing the appointment of guardians for such persons, defining the powers and duties of such guardians, declaring void the contracts of persons of unsound mind, and providing for their restraint when necessary," approved May 29, 1852.....	965	969		
112	A bill to regulate the remissions of fines and forfeitures, and to repeal all laws conflicting with the provisions of this act.....	965	963		
250	A bill authorizing liens in favor of landlords and attorneys and counselors at law, in certain cases.....	965	969		
260	A bill releasing to William Rockhill all the right, title, interest and claim of the State of Indiana to the tract of land in the county of Allen in the State of Indiana, as described in the conveyance executed by said Rockhill to said State, and to declare said conveyance null and void.....	965	969, 983, 990	990	1003
87	A bill for the relief of sundry citizens of Jackson and Washington counties.....	965	969, 986, 989, 990	990	
54	A bill regulating docket fees of District Attorneys in the Courts of Common Pleas, and before Justices of the peace, and regulating Prosecuting and District Attorneys fees for prosecutions on forfeited recognizances.....	965	969		
184	A bill conferring jurisdiction upon Justices of the peace in certain cases, where executors, administrators or guardians are plaintiffs.....	966	969		
172	A bill providing for the binding of printed matter ordered by the State to be done in book form.....	966	969		
120	A bill supplemental to an act entitled "An act to repeal all general laws now in force for the incorporation of cities, to prescribe their powers and rights, and the manner in which they shall exercise the same, and to regulate such other matters as properly pertain thereto," approved March 9, 1857.....	966	969		
69	A bill to regulate the business transacted in this State by any fire, marine, life, health or live stock insurance companies, not incorporated under the laws of this State, and imposing penalties for a non-compliance with the provisions of this act.....				
218	A bill to amend the first section of an act entitled "An act to enable trustees to receive lands and donations, and convey the same for the use of schools, churches, religious societies, Masonic and Odd Fellows' lodges, Sons and Daughters of Temperance, and for the construction of ceme-	966	963		

237	aries, houses of worship, or other buildings therein mentioned. approved June 17, 1852.	966	969	
	A bill to authorize the process of garnishment against Clerks of the Circuit and Common Pleas Courts, sheriffs, justices of the peace, constables, and all other officers who collect money by virtue of their office, and exco cutors, administrators, guardians and trustees, and providing for the indemnification of such officers and persons.	966	969	
248	A bill to amend the third and fourth sections of an act fixing the time and mode of electing a State Printer, defining his duties, fixing compensation, and repealing all laws in conflict with this act, passed March —, 1853, requiring State Printer to furnish all stationery necessary for the State pending, allowing him the current wholesale price thereof, at the time of furnishing the same, and requiring him to furnish to the Secretary of State a specific statement, verified by affidavit, of the quality, quantity and price of all stationery so furnished, and all work done by him for the State.	966	969	
249	A bill to amend the first section of an act to amend the first section of an act concerning license to vend foreign merchandize, to exhibit any caravan, menagerie, circus, rope or wire dancing, puppet show and legordimatu, approved June 15, 1852, and for the encouragement of agriculture, and concerning the licensing of stock and exchange brokers, approved March 7, 1857.	967	969	
250	A bill for the relief of Lot Edwards.	967	969, 990, 991	
45	A bill to amend section third of an act entitled "An act to provide for the election of a Reporter, and a speedy publication of the decisions of the Supreme Court, and for the compensation of such Reporter."	967	969, 1012, 1013	991 998
259	A bill to amend the twelfth section of an act regulating decedents and the apportionment of estates, approved May 14, 1852.	967	969	1013
266	A bill fixing the time of holding the Circuit Courts in Owen county, and repealing all laws in conflict with the provisions of this act.	967	969	
191	A bill empowering the several Boards of County Commissioners of the several counties of this State to employ any competent person or persons to investigate the books, vouchers, accounts and settlements of the county auditors and county treasurers of this State.	967	969	
116	A bill in relation to profit jurors.	967	969	
262	A bill to amend the 11th and 24th sections of an act entitled "An act regulating the election and duties of State Librarians," approved May 25, 1852, and to punish the violation of its provisions.	967	969	
141	A bill to amend section six of an act entitled "An act for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 17, 1852, so as to exempt certain property therein named, from taxation.	967	969	
106	A bill to allow county commissioners to organize telegraphic companies, where a majority of persons representing the real estate within pre-	967	969	

BILLS OF THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings Thereon.	Passed House.	Other Proceedings.
85	scribed limits, petition for the same, and levy tax for its construction, and provide for the same to be free.....	967	969, 1019, 1020, 1021		
	A bill to legalize the appraisement and assessment of property in cities of this State, and the making out and delivery of tax duplicates in the cities of this State in certain cases.....	968	969, 1017, 1018	1018	
206	A bill to amend section ninety-nine of an act entitled "An act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the Courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	969			
66	A bill to provide for stationery, newspapers and postage for members of the General Assembly of the State of Indiana, and to furnish stationery for the Secretaries and Clerks of the same.....	968	969		
133	A bill to amend section fifteen of an act entitled "An act to amend section fifteen, and to repeal sections twenty-seven to thirty-eight inclusive, of an act entitled 'an act to provide for the opening vacating and change of highways,'" approved June 17, 1852, so as to give Boards of County Commissioners jurisdiction as to the change, laying out and vacating highways in their respective counties, saving and transferring all proceedings now pending before township trustees under said sections so repealed to the Boards of County Commissioners, and providing for the disposition thereof, approved March 5, 1859, and to legalize all roads located, vacated, or changed under either of said acts.....	968	969		
111	A bill to amend section 23 of an act entitled "An act for the relief of the Indiana University, and to increase and extend its benefits by providing for the sale of the lands granted by the United States for the use of said University, regulating the application of the proceeds of the sale thereof, and prescribing the duties of the officers therein mentioned in relation thereto," approved March 2, 1859.....	968	969		
119	A bill to amend section six of an act entitled "An act touching the laying out and vacating towns, streets, alleys, public squares or grounds, or any part thereof, the making out, and recording of plats of such towns, and providing for the change of the names of such towns," approved May 20, 1852.....	968	969		

230	A bill to aid in the collection and preservation of historical materials relating to the early settlement of Indiana.....	969	968	
232	A bill to amend section 143 of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 17, 1852, so as to fix the rate of compensation for the publication of the delinquent list in the several counties of this State.....	969	969	
245	A bill for the relief of Joseph Moore.....	969	969	
279	A bill accepting the surrender of a contract by Wm. H. Talbott and Francis Costigan, for the construction of the Northern State Prison, and the rights and property therein mentioned, and to appropriate the sum of \$13,574 27 to pay said Talbott and Costigan the amount due them according to estimate for work under contract.....	1004	1004, 1005	1005

JOINT RESOLUTIONS OF THE HOUSE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other Proceedings.	Approved.	By whom Introduced.
1	A joint resolution on Federal Relations.....	10	10, 11					Stotsenburg-Jenkinson.
2	A joint resolution on the subject of Federal Relations.....	42	42					
3	A joint resolution to appoint a committee to invite the President elect to visit the Capital.....	46	46	46	69	254, 255		Cameron.
4	A joint resolution on Federal Relations.....	48	48					Woodhull.
5	A joint resolution on the subject of Federal Relations.....	47	47					Underwood.
6	A joint resolution on the subject of Federal Relations.....	51	51					Bundy.
7	A joint resolution on the free navigation of the Mississippi river.....	51	51, 52	52				Hefren.
8	A joint resolution on pensions to soldiers of the war of 1812.....	51	51	53	190	252, 253		Stotsenburg.
9	A joint resolution in regard to postage, pay and mileage of members.....	53	53	55	114	1043		Hefren.
10	A joint resolution in regard to postage, pay and mileage of members.....	54	54, 55, 114					
11	A joint resolution instructing our Senators and requesting our Representatives in Congress to take such action as may be necessary to give each actual settler on the public lands a homestead of at least one hundred and sixty acres.....	56	56					Hayes.
12	A joint resolution in reference to the American Union.....	69	69					Roberts.
13	A joint resolution on the state of the country.....	72	72	56				Gifford.
14	A joint resolution on the state of the Union.....	75	75					Gresham.
15	A joint resolution on the state of the Union.....	75	75					Packard.
16	A joint resolution on the preservation of the Federal Union.....	104	104					Bundy.
17	A joint resolution in relation to national affairs.....	114	114, 268					Orr.
18	A joint resolution in relation to national affairs.....							
19	A joint resolution in reference to the duties of the President, officers and citizens of the United States, and in favor of the Union, the Constitution and the enforcement of the laws.....	115	115					Hayes.
20	A joint resolution on representation and taxation, and for taking the eighth census.....	135	135					Feagler.
21	A joint resolution in relation to building a monument over the grave of James Wilson, one of the signers of the Declaration of Independence.....	136	136					Prosser.
22	A joint resolution on amending the Constitution of the United States.....	173	173, 524, 525, 564, 565	565				Polk.
23	A joint resolution directing the Auditor and Secretary of State to distribute statutes, laws, reports, and other public documents, to the county of Newton and other newly organized counties.....							
24	A joint resolution appointing Peace Commissioners on the part of the State of Indiana, to meet at Washington City on the 4th day of February next, with the Commissioners of other border States to adjust a plan for the preservation of our common country.....	173	173, 174	174	199			Moody.
25	A joint resolution appointing Peace Commissioners on the part of the State of Indiana, to meet at Washington City on the 4th day of February next, with the Commissioners of other border States to adjust a plan for the preservation of our common country.....	224	224					Jenkinson.

25	A joint resolution in response to the resolutions of the Legislature of the State of Virginia for the appointment of Commissioners, &c.	243			Allen.
26	A joint resolution on the present distracted state of the country.	243	244		Hefren.
27	A joint resolution on appointing Commissioners to meet on February 4, at Washington City, in accordance with the invitation of the Governor of Virginia.	244			Gresham.
28	A joint resolution proposing a joint meeting of the two Houses for the purpose of electing Commissioners to proceed to Washington City, and meet on the 4th of February next.	244			Holcomb.
29	A joint resolution authorizing the Governor to appoint Commissioners to meet those sent by other States in convention, to consider the present state of the Union.	268	268, 269, 270	278 284	Bundy.
30	A joint resolution on vacating the office of State Printer, and providing for the public printing.	335	335, 642		Hefren.
8	A joint resolution instructing and requesting our Representatives in Congress to so legislate as will give to each actual settler on public lands, 100 acres of land.			397 397	
31	A joint resolution to provide for the appointment of a Commissioner to investigate and report on the fiscal affairs of the State.	507	507, 614	508 614	Branham.
32	A joint resolution instructing our Senators and requesting our Representatives in Congress to endeavor to procure an appropriation for the improvement of the harbor at Michigan City.	509	509	510 1021	Sherman.
33	A joint resolution for the relief of John Ballentine, late treasurer of Monroe township, Morgan county, Indiana.	552	552		Dobbins.
33	A joint resolution proposing amendments to the Constitution of the State of Indiana.	578	578, 1043		Bundy.
34	A joint resolution in relation to the publication of Reports of the State Board of Agriculture.	700	700, 701	701 732	Fisher.
35	A joint resolution directing and requiring the Attorney General to bring suits upon the official bonds, or otherwise, against the State officers, and the late State officers, for the fees and perquisites by them collected and not paid into the State Treasury as required by law.	729	729, 731	721 1021	Nebeker.
36	A joint resolution proposing to amend the Constitution by substituting annual for biennial sessions of the General Assembly.	771	771		Bundy.
37	A joint resolution for the relief of Thomas Robert, treasurer of the county of Marion.	774	774, 775		Dobbins.
38	A joint resolution authorizing the Treasurer of State, upon the warrant of the Auditor of State, to pay a lost certificate for ditching swamp lands in Boone county, to Clark Duval and Nelson Fordyce.	1070	1070	1070 1072	
39	A joint resolution requesting Congress to call a Convention to amend the Constitution of the United States.	1071	1071, 1072	1072 1073 1073	

JOINT RESOLUTIONS OF THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings thereon.	Passed House.	Other Proceedings.
7	A joint resolution on the present condition of National affairs.....	250	250, 553, 554, 555	555	555, 556, 557, 558, 559, 560, 561, 617
9	A joint resolution requiring the Treasurer of State to issue circulars calling on the several County Treasurers of the State to forward to that officer the revenue of the State in their hands.....	251	251	251	252, 253
8	A joint resolution instructing our Senators and requesting our Representatives in Congress to use their influence to secure the passage of a Homestead bill.....	396	396	397	456
5	A joint resolution proposing an amendment to section second of article second of the Constitution so as to guard against fraudulent voting.....	397	397, 398, 659, 660	660	672
6	A joint resolution proposing an amendment to article eight of the Constitution so as to enable cities, townships and towns to levy taxes for the support of common schools.....	397	397, 398, 470	471	568, 617
12	A joint resolution proposing an amendment to the twenty-third section of article four of the Constitution so as to provide laws enabling cities, townships and towns to raise money for the support of schools.....	397	397, 398, 471	471	565
17	A joint resolution rescinding the contract entered into on the 8th of June, 1860, by and between the Board of Control to superintend the construction of a prison north of the National Road in the State of Indiana, and Wm. H. Tabott and Francis Costigan, partners, under the style of Wm. H. Talbott & Co., for furnishing material and doing certain work toward the construction of said prison.....	1006	1007	1007	

RESOLUTIONS OF THE HOUSE.

1155

By whom Introduced.	SUBJECT MATTER OF	Introduced.	Other Proceedings Thereon.	Adopted.
Bundy	Informing Senate of organization of House.....	9		9
Nelcker	Inviting minister to open House with prayer.....	9		9
Nelcker	To appoint committee to wait upon Governor.....	9		9
Prosser	Distribution of documents to members.....	9		9
Hefren	Adoption of Jefferson's Manual.....	9		9
Hefren	Election of officers and Crittenden Compromise.....	10		10
Jones of Vermillion.....	To appoint select committee on stationery.....	13		13
Hefren	Invitation to Senate, opening House with prayer.....	21		21
Hefren	Directed to Doorkeeper.....	21		21
Hefren	Regarding the State Printing.....	21		21
Gresham	Appointment of Pages by Speaker.....	21		21
Bryan	To appoint select committee on Northern Prison.....	25		25
Jedlison	To appoint select committee of thirteen on Federal Relations.....	25		25
Veach	To procure desk for Clerk.....	27		27
Bundy	Raising National Flag.....	28		28
Hefren	Newspapers for use of House.....	29		29
Robbels	Invitation to Senate.....	38		38
Hefren	On the death of A. P. Willard.....	40		40
Hefren	For purchase of Statutes of Messrs Gavin & Hurd.....	40		40
Goffen	To obtain documents from State Secretary.....	40		40
Hefren	Invitation to Senate to compare election returns.....	40		40
Veach	Furnishing members with stands.....	41		41
Fraser	German Newspapers for members.....	43		43
Braunham	To Print Commissioner's Reports.....	44		44
Ort	Meeting and adjournment of House.....	45		45
Wilson	Appointing committee to wait on Governor and Lieutenant Governor.....	45		45
Bundy	To go into election of U. S. Senator.....	45		45
Edson	Federal Relations.....	46		46
Edson	Invitation to President elect.....	47		47
Campton	Relating to State Arms.....	48		48
Moody	To appoint committee on swamp land affairs.....	49		49
Foght	Relating to Governor's Message.....	49		49
Packard	Governor's Message and Clergy.....	50		50
Fraser	Committee on education.....	50		50
Jones of Wayne	Adopting Jefferson's Manual.....	51		51
Lewin				

RESOLUTIONS OF THE HOUSE—Continued.

By whom introduced.	SUBJECT MATTER OF	Introduced.	Other Proceedings Thereon.	Adopted.
Brucker.....	Roads obstructed by dead trees.....	52		52
Gresham.....	Invitation to citizens of Indianapolis.....	53		53
Moody.....	Military Commissioners.....	54		54
Veatch.....	To Doorkeeper.....	54		54
Jones of Typeeance.....	Extra compensation of judges and prosecutors.....	55		55
Keninson.....	Granting floor of House to Sutherland & Berry.....	55		55
Bundy.....	Relating to annual sessions of Legislature.....	55		55
McLean.....	Salary of Superintendent of Public Instruction.....	55		55
Thomas.....	Distributing reports of Swamp Land Committee.....	56	56	56
Lane.....	To amend School Law.....	56		56
Cason.....	To reduce fees of County Clerks.....	57		57
Packard.....	To Clerk and Doorkeeper.....	57		57
Wood.....	Calumet River Dam.....	57		57
Moody.....	Repeal of Militia Law.....	58		58
Black.....	Definition of assault.....	58		58
Grover.....	Abolishing Common Pleas Court.....	58		58
Heffren.....	Invitation to Senate.....	59		59
Heffren.....	Appointing committee to wait upon Governor and Lieutenant Governor.....	60		60
Cameron.....	To print 7,000 copies of Gov. Lane's Message.....	67	67	67
Warrum.....	To permit transit slave property.....	70		70
Moorman.....	Federal Relations.....	71		71
Feagler.....	Tendering seat to John Vawter.....	73		73
Woodruff.....	To Auditor of State.....	74		74
Heffren.....	Distribution of Stamps.....	74		74
Horton.....	Refusing to pay expenses of Presidential Committee.....	79		79
Hayes.....	To appoint Committee to apportion State.....	80		80
Bundy.....	Election of U. S. Senator.....	81		81
Dobbin.....	Auditor of State.....	81		81
Crain.....	Tendering thanks to Hon. S. E. Perkins.....	82		82
Fraser.....	To Treasurer of State.....	83		83
Orr.....	To Doorkeeper.....	84		84
Haworth.....	To Judiciary Committee.....	84		84
Warrum.....	To Judiciary Committee.....	84		84
Randall.....	Subject of State Printing.....	84		84
Prosser.....	To Doorkeeper.....	85		85

Cooprider	85	To Committee on Education.....	85
Dobbins	85	Committee on Rights and Privileges.....	85
Ilard	85	On employment of clerks by committees.....	85
Robbins	86	To Bookkeeper.....	86
Bundy	86	To Judiciary Committee.....	86
Owens	86	To Committee on County and Township Business.....	86
McClurg	86	To Committee on Judiciary.....	86
Woods	86	To Committee on Education.....	86
Warren	87	To Committee on Roads.....	87
Veach	87	To the same.....	87
Woodruff	87	To the same.....	87
Laue	87	To Committee on Public Printing.....	87
Turner	87	To Committee on Judiciary.....	87
Hefren	87	To Committee on Stationery.....	87
Folk	88	Federal Relations.....	88
Moody	88	To Committee on Military Affairs.....	88
Hefren	88	To Bookkeeper.....	88
Smith of Bartholomew	88	Offering Resolutions.....	88
Necker	91	Concurrent resolutions on the subject of election of United States Senator.....	91
Cameron	91	Informing Senate of election by House of a United States Senator.....	91
Bundy	93	Inviting Senate into Hall of House.....	93
Rankinson	101	Empowering Penitentiary Committee to employ a clerk.....	101
Williams	101	On Expediency of extending time of paying taxes.....	101
Woodruff	104	On Federal Relations.....	104
Collins of Adams	104	On the subject of Public Highways.....	104
Edson	105	Authorizing Judiciary Committee to employ a clerk.....	105
Ragan	105	To print 200 copies of Standing Committees.....	105
Mutz	105	On abolishing Township Library system.....	105
Ort	105	On Federal Relations.....	105
Woodruff	106	Settlement of Decedents' Estates.....	106
Prow	106	Negroes and Mulattoes.....	106
Hefren	106	Highways and Roads.....	106
Dobbins	106	Roads and Highways.....	106
Edson	106	Incurable Idiots.....	106
Warren	107	Roads and Highways.....	107
Haworth	107	Election and qualification of Justices of the Peace.....	107
Jones of Vermillion	107	Assistant Clerk for Committee on Stationery.....	107
Cameron	107	On the treatment of Epileptic Patients.....	107
Bundy	107	On adjournment and meeting of the House.....	107
Veach	108	Increasing Northern Prison Committee.....	108
Hefren	108	On Northern Penitentiary.....	108
Bargess	108	Giving Messengers to Penitentiary Committee.....	108
Stotsenburg	109	On the subject of the School Fund.....	109
Woods	110	Giving clerk to Committee on Public Expenditures.....	110
Kirchen	110	On Sheriffs' Mileage.....	110
Turner	110	On services of Attorney General.....	110
Brucker	111	On Descent of Foreigners' Real Estate.....	111
Bundy	111	On Election of State Librarian, Canal Trustees, and Agent of State.....	111
Roberts	112	Hospital for the Insane.....	112

RESOLUTIONS OF THE HOUSE—Continued.

By whom Introduced.	SUBJECT MATTER OF.	Introduced.			Other Proceedings Thereon.	Adopted.
Anderson	On the width of wagons.....	112			113	113
Moody.....	Resolution to Doorkeeper.....	113			113	113
Williams	Trustees of Indiana University.....	113				
Sloan	Location of Northern State Prison.....	113			113	113
Hurd	Distribution of the School Fund.....	114			114	114
Owen.....	On the subject of Marriage Licenses.....	115			115	115
Robbins.....	On the subject of School Tax.....	115			115	115
Bundy	Election of Librarian and other officers.....	115				
Frasier	Giving clerk to Committee on County and Township Business.....	120			120	132
Yeatch	Relating to Fees of State Officers.....	132			132	132
Gresham	State Arsenal.....	132			132	132
Orr	To Organize State Militia.....	132				
McLean	Landlords' Liens.....	132			132	132
Frasier	On purchasing Cabinet of Dr. Owen.....	133			132	132
Bundy	Collection of taxes, salaries and fees.....	133			133	133
Cameron	Affairs of Northern State Prison.....	134			134	135
Cameron	Northern Prison Contracts.....	135				
Williams	Standing Committee on Northern Prison.....	135			135	135
Packard	Increasing Committee on State Prisons.....	135			135	135
Moody.....	To add Mr. Hurd to Swamp Land Committee.....	135			135	135
Moody.....	Authorizing Swamp Land Committee to employ a clerk.....	135				
Davis	Revision of School Law.....	136			136	136
Horton.....	Expenses of State Prisons' Committees.....	136			136	136
Roberts	To amend Eighth Article of the Constitution.....	136			437	
Heffron.....	Suspending specie payment of Banks.....	147			147	147
Heffron.....	Inviting Senate to participate in raising flag.....	147			147	147
Frasier	To Miss Caroline Richings.....	147			154	154
Scotsenburg	Subject of Public Printing.....	154			154	154
Dobbins.....	Fornication or Adultery.....	154				
Woodruff	Fees and Salaries of officers and witnesses in criminal prosecutions.....	154			154	154
Robbins.....	Qualification of Voters.....	154				
McLean	Federal Relations.....	155			157	157
Orr	Marriage of Blood Relations.....	157				
Packard.....	House of Correction.....	157			157	157

Robbins.....	157	Enlarging the Asylum for the Insane.....	157
Cooperider.....	157	Equalization and Assessment of Personal Property.....	157
McLean.....	158	Tendering thanks to Miss Caroline Richings.....	158
Woods.....	158	Distribution of School Funds.....	158
Robbins.....	158	To prevent Mulattives and Negroes from attending Schools.....	158
Bruker.....	158	On Increasing School Tax.....	159
Ragan.....	159	Collection of Revenue.....	159
Veatch.....	159	The Pardoning Power.....	159
Stodsenburg.....	160	Overdrawing Legislative appropriations.....	160
Hall.....	160	Asylum for Inebriates.....	160
Williams.....	160	Increasing Branches of the Bank of the State.....	160
Thompson.....	160	Inviting Senate to Hall of House, election of State Printer.....	163
Nehcker.....	163	To Doorkeeper.....	164
Ort.....	164	To Invite Senate into Hall of House.....	165
Edson.....	165	Compensation of Justices in criminal prosecutions.....	171
Stodsenburg.....	171	Expending Road Tax.....	171
Collins of Adams.....	171	Licensing Keepers of Stallions.....	171
Fisher.....	171	Salary of Capital Trustee.....	171
McLean.....	171	On the law of assessment.....	172
Prow.....	172	Expending Road Tax.....	172
Underwood.....	172	On the management of schools.....	172
Randall.....	172	On establishing section corners and lines.....	172
Roberts.....	172	Justices of the Peace.....	172
Wells.....	172	Qualification of voters.....	173
Stevenson.....	173	Construction of bridges.....	173
Williams.....	173	Postage Stamps for Members.....	201
Packard.....	201	Postage Stamps.....	201
Robbins.....	201	Collection of Taxes.....	201
Holcomb.....	201	Postage Stamps to Clerks.....	202
Cameron.....	202	Contractors of Southern Prison.....	210
Robbins.....	210	On the Virginia Resolutions.....	210
Lane.....	210	Railroad appraisements.....	210
Grover.....	210	County Treasurers' Fees.....	210
Kitchen.....	210	Salary of county officers.....	211
Gast.....	211	Expending Road Tax.....	211
Burgess.....	211	Expending School Fund.....	211
Bruker.....	211	Federal Relations.....	211
Black.....	211	Enquiring the value of real and personal property in the State.....	212
Polk.....	212	In relation to Branches of the Bank of the State.....	212
Grover.....	212	Federal Relations.....	213
Erwin.....	213	Numeration of white male inhabitants.....	211
Hayes.....	211	Opinion of the Supreme Court.....	211
Cain.....	211	Fencing Tippecanoe Battle grounds.....	211
Bayan.....	211	Taking German papers for use of House.....	213
Packard.....	213	Rescinding resolutions to take the American.....	213
Holten.....	213	Railroad Engineers.....	216
Cameron.....	216	Dispensing with Road Tax.....	216
Holcomb.....	216	Eligibility of Governor to hold national office.....	219
Robbins.....	219		

RESOLUTIONS OF THE HOUSE.—Continued.

By whom Introduced.	SUBJECT MATTER OF.	Introduced.	Other Proceedings Thereon.	Adopted.
Woods	Common School Fund.....	219		229
Holcomb	Compensation of County Recorders.....	220		230
Bundy	Common School Fund.....	220		230
Fisher	Appraisement, sale, and execution of personal property.....	220		230
Hedren	Federal Relations.....	220	222	
Hayes	Fence for State House square.....	222		222
Collins of Whitley	County Agricultural Societies.....	222		223
Dobbins	Commissions of Justices of the Peace.....	223		223
Packard	Exhibitions of Blind and Deaf and Dumb Pupils.....	223		223
Hudson	Statute of Limitations in Criminal Prosecutions.....	223		223
Wilson	Amending assessment laws.....	223		223
Sloan	Amending assessment laws.....	223		223
Brucker	Fees collected by Justices of the Peace.....	223		223
Orr	Relating to payment of taxes.....	223		223
Stotsenburg	Federal Relations.....	223	235	
Allen	Federal Relations.....	226		
Jones of Wayne	Collection of Assigned Claims and Evidence.....	227		238
McLean	Salaries of county officers.....	227		238
Orr	Uniformity in toll rates.....	228		238
McClung	Justices' fees.....	228		238
Smith of Barth' new	Federal Relations.....	228	240	
Holcomb	Proposing to take Miss Dill's Gazette.....	240	210	
Woodruff	To refer resolutions without debate.....	241	241	
Ragan	To furnish Gavin & Hord's Statutes.....	241	241	
Cameron	Relating to adjournment.....	242	242, 252, 315	316
Hedren	To change order of business.....	242		242
Ferguson	To amend exemption law.....	242		242
Smith of Barth' new	Landlord's liens.....	242		
Orr	Settlement of County Treasurers.....	242	242	
Coopridge	Roads and Highways.....	242	243	
McLean	Adjournment of House.....	243	243	244
Hedren	To the Clerk of House.....	244		244
Cameron	On adjournment of House.....	244		
Smith of Barth' new	Relating to collection of debts.....	262	202	202
Jenkinson	Examination of Prison Contracts, &c.....	263		263

Glover.....	Authorizing Committee on Education to employ a clerk.....	286	
Bundy.....	Subject of Duelling.....	293	
Orr.....	Relating to distribution of school tax.....	295	
Bundy.....	To Assistant Clerk.....	295	
Roberts.....	To Chairman of various Committees.....	306	
Cameron.....	Subject of Apportionment.....	325	
Bundy.....	Granting Hall to Gen. S. F. Carey.....	313	
Bundy.....	To appoint Select Committee on Printing.....	313	363, 364
Robbins.....	Relation to mileage.....	317	
Woods.....	Swamp Land Frauds.....	374	
Bundy.....	Exchanging documents with Governor of Wisconsin.....	374	374
Collins of Adams.....	Leave of Absence of members.....	378	
McClurg.....	Postage Stamps.....	379	
Brucker.....	Granting use of House to Robert Dale Owen.....	379	
Ford.....	Peddlers' License.....	380	
Edson.....	Revising laws of 1852.....	380	
Cumplett.....	Reducing number of Senators and Representatives.....	380	
Black.....	Providing for liquidation of State debt.....	380	
Howard.....	Plank roads and gravel roads.....	380	
Brett.....	Courts of Conciliation and Juries.....	381	
Holcomb.....	Federal Relations.....	381	382
Geor.....	Reformation of Inebriates.....	383	
Brett.....	Land offices of Trustees of W. & E. Canal.....	384	384
Haworth.....	Changing time of electing Assessors.....	384	
Burgess.....	Filling vacancies in office of Directors.....	384	
Sham.....	Abolishing office of Township Assessor.....	385	
Holcomb.....	Federal Relations.....	385	386
Owens.....	Non-resident plaintiffs in suits in this State.....	386	
Davis.....	Regulating time for members to speak.....	453	
Stotsenbourg.....	Granting to soldiers of war of 1812 the use of House.....	454	
Fisher.....	To expel Messrs. Moody and Keffen for duelling.....	455	
Collins of Whitley.....	Subject of Common Schools.....	457	465, 466, 467
Fisher.....	Compensation of Judges and Prosecutors.....	487	
Kendrick.....	To subscribe for sketches of members for use of libraries.....	494	494
Crain.....	Compelling banks to pay taxes on capital stock.....	506	506
Prosser.....	Suspending collection of debts.....	506	
Jonkison.....	Building from fence around Governor's Circle.....	508	
Holcomb.....	Relating to adjournment of House.....	508	
Orr.....	Granting Hall of House to A. D. Straight.....	509	508
Woods.....	McComick's Report.....	509	
Woodhall.....	Granting floor of House to E. O. Wilson.....	510	
Holcomb.....	Gilson county swamp land funds.....	511	
Cameron.....	To aid by appropriation the poor of Kansas.....	511	511
Woodhall.....	Requesting Senate to return House bill No. 5.....	511	
Holcomb.....	To appoint committee to report amendments.....	516	
Burgess.....	To Committee on Agriculture.....	517	
Stotsenbourg.....	To Committee of Thirteen.....	518	
Polk.....	Federal Relations.....	559	559
Robert.....	Federal Relations.....	567	567

RESOLUTIONS OF THE HOUSE—Continued.

By whom Introduced.	SUBJECT MATTER OF	Introduced.	Other Proceedings Thereon.	Adopted.
Turner.....	To ascertain amount of civil and criminal business in the courts of the State.....	568	568	
Jenkinson.....	To arrest W. F. Baggett for contempt.....	576	576	576
Robbins.....	On adjournment of House.....	584	584	584
Black.....	Erecting iron fence at Tippecanoe Battle Ground.....	584	584, 610	
Haworth.....	Time allowed members to speak.....	584	584, 610	
Stotsenburg.....	To print report of John H. Rea on State Agency.....	584	584	
Nebecker.....	Leave of absence.....	585	585	
Haworth.....	Publishing list of Acts and Joint Resolutions.....	585	585	585
Branham.....	Relating to quorum of House.....	598	598	
Black.....	Relating to school fund.....	598	598	598
Underwood.....	Collection of poll tax.....	598	598	598
Prow.....	Amending decedents laws.....	608	608	608
Hendricks.....	To Auditor of State.....	609	609	609
Edson.....	Salaries connected with Wabash & Erie Canal.....	609	609	609
Gresham.....	Compensation of Prosecuting Attorneys.....	609	609	609
Bundy.....	Subject of dogs.....	620	620	620
Branham.....	To Clerk and Assistant Clerk and others.....	667	667	667
Heffren.....	Limit of the introduction of bills.....	668	668	668
Heffren.....	Adjournment of House.....	680	680	685
Cameron.....	Expenses of receiving President.....	755	755	755
Davis.....	Relating to copies of Governor's Message.....	768	768	
Webb.....	Authorizing Wabash & Erie Canal Commissioners to sit after adjournment.....	769	769	769
Lee.....	Requesting Senate to return House bill 122.....	794	794	794
Holtcomb.....	Adjournment <i>sine die</i> of House.....	798	798	
Brett.....	Amount of appropriation to Insane Asylum.....	798	798	
Cameron.....	Election of Sinking Fund Commissioners.....	802	802	802
Bundy.....	To invite Senate into Hall of House.....	821	821	821
Heffren.....	Granting use of House to Bishop Spaulding.....	807	807	807
Gresham.....	Joint Convention of both Houses.....	899	899	899
Stotsenburg.....	Federal Relations.....	901	901	
Branham.....	Requesting Senate to return House bill 349.....	993	993	993
Veatch.....	Requesting return from Governor of House bill 346.....	997	997	997
Gresham.....	Limiting time of speaking.....	1002	1002	1002
Heffren.....	Tendering thanks to Hon. Cyrus W. Allen.....	1037	1037	1037
Hayes.....	Tendering thanks to Assistant Clerks.....	1037	1037	1037

Bundy	Brevier Reports, acts, &c., of present session to be sent to members.....	1072
Smith of Bartholomew.....	Tendering thanks to Principal Clerk.....	1072
Davis.....	Instructing Doorkeeper to distribute Agricultural Reports.....	1072
Grover.....	Granting Baptist Church use of Hou 6 in vacation	1073
Smith.....	Tendering thanks to reporters.....	1073
Stolzenburg	Directing State Librarian to take charge of House and articles therein.....	1073
Hedden	Binding Brevier Reports.....	1074
Hedden	Construing section nine of prison act.....	1075
Brantant	That the House is ready to adjourn.....	1076







